

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
WISCONSIN

Mark K. Anderson, Jr. v. State of Wisconsin and DOC-Department of  
Corrections-Sgt. Rohwer

Anderson v. State of Wisconsin · No. 25-cv-938-jdp · Decided February 11, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin dismissed Mark K. Anderson, Jr.’s amended prisoner civil-rights complaint because it did not identify the individuals allegedly responsible for failing to protect him from an inmate attack and improperly named the State of Wisconsin and the Department of Corrections. The court denied related motions and granted Anderson a final opportunity to file an amended complaint by March 4, 2026, warning that failure to do so would result in dismissal and a potential strike under 28 U.S.C. § 1915(g).

CASE DETAILS

|                       |                                                                                                                                                                                              |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of Wisconsin                                                                                                                           |
| WRITING FOR THE COURT | James D. Peterson                                                                                                                                                                            |
| JURISDICTION          | United States District Court for the Western District of Wisconsin                                                                                                                           |
| DECIDED               | February 11, 2026                                                                                                                                                                            |
| DOCKET                | 25-cv-938-jdp                                                                                                                                                                                |
| DISPOSITION           | dismissed                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | The court reviewed the plaintiff's proposed amended complaint and related motions after previously dismissing the original complaint for improper joinder of unrelated claims and vagueness. |
| STANDARD OF REVIEW    | The court reviewed whether the proposed amended complaint complied with the Federal Rules of Civil Procedure and stated a legally cognizable claim.                                          |
| PRECEDENTIAL VALUE    | nonprecedential district court opinion                                                                                                                                                       |
| PARTIES               | Mark K. Anderson, Jr. v. State of Wisconsin, DOC-Department of Corrections-Sgt. Rohwer                                                                                                       |

TOPICS

pleadings

joinder

civil procedure

prisoners rights

section 1983

## PRACTICE AREAS

prisoner civil rights

federal civil procedure

pleading and joinder

## QUESTIONS PRESENTED

1. Whether Anderson's proposed amended complaint complied with the pleading rules after he narrowed his claims to allegations that prison staff failed to protect him from an inmate attack.
2. Whether the State of Wisconsin and the Department of Corrections could be sued as defendants in this type of prisoner civil-rights action.
3. Whether Anderson should receive a final opportunity to amend his complaint by identifying the individual defendants and describing each defendant's alleged conduct.

## HOLDINGS

1. The proposed amended complaint did not comply with the pleading rules because it failed to identify who allegedly failed to protect Anderson and did not explain what each defendant did to violate his rights.
2. The State of Wisconsin and the Department of Corrections could not be sued as defendants in this type of prisoner civil-rights lawsuit.
3. The court dismissed the proposed amended complaint but granted Anderson a final opportunity to file an amended complaint that identifies each individual defendant and concisely describes that person's alleged unconstitutional conduct.

## KEY QUOTATIONS

*“Because Anderson’s amended complaint doesn’t comply with the pleading rules, I will dismiss it. But I will give him a final chance to submit an amended complaint fixing these problems.”*

*“Identify all of the individuals who he wishes to sue in the caption of the complaint.”*

*“Describe simply and concisely what actions he believes that each defendant took that violated his rights, using separate, numbered paragraphs.”*

## FACTUAL BACKGROUND

Mark K. Anderson is incarcerated at Columbia Correctional Institution. He alleged that prison staff failed to protect him from an attack by another inmate, after abandoning allegations concerning inadequate medical treatment. His amended complaint named the State of Wisconsin and the Department of Corrections but did not identify the individuals who allegedly failed to protect him or describe what each person did; although Sergeant Rohwer had previously been named, Anderson removed him from the caption.

## PROCEDURAL HISTORY

Anderson, a prisoner proceeding pro se, initially alleged that prison staff failed to treat his medical condition and failed to protect him from an attack by another inmate. The court dismissed the original complaint because it improperly joined unrelated events and defendants and was too vague, then granted leave to amend. Anderson filed motions seeking clarification or additional time and submitted a proposed amended complaint. The court denied the motions, dismissed the proposed amended complaint for failure to comply with pleading requirements, and granted one final opportunity to amend.

#### DISPOSITION

dismissed

#### CASES CITED

- Paul v. Marberry, 658 F.3d 702, 705 (7th Cir. 2011)

#### OPINION

Mark K. Anderson, Jr. v. State of Wisconsin and DOC-Department of Corrections-Sgt. Rohwer  
PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

MARK K. ANDERSON, JR.,

Plaintiff, v. OPINION and ORDER STATE OF WISCONSIN and DOC-DEPARTMENT 25-cv-938-jdp

OF CORRECTIONS-SGT. ROHWER,

Defendants. Plaintiff Mark K. Anderson, proceeding without counsel, is a prisoner at Columbia Correctional Institution. Anderson alleges that prison staff violated his rights in a variety of ways, including by failing to properly treat his medical condition and by failing to promptly intervene in an attack from another inmate. I dismissed Anderson's original complaint for violating the Federal Rules of Civil Procedure for bringing claims about unrelated events against different defendants and otherwise being too vague. Dkt. 33. I gave Anderson a chance to file an amended complaint. Id. Anderson has responded with a series of documents that he titles as motions, seeking to clarify his claims or asking for more time to file his amended complaint. Dkts. 34–39. I will deny all of those motions because Anderson has also filed a proposed amended complaint by his deadline for doing so. Dkt. 40. It is clear from his filings and his amended complaint that Anderson wishes to focus solely on his allegations about prison staff failing to protect him from another inmate's attack. That fixes the Rules 18 and 20 problem from Anderson's original complaint. But his new allegations continue to suffer another problem: he doesn't explain who failed to protect him from the attack. He again names the state of Wisconsin and Department of Corrections as defendants but he can't sue them in this type of lawsuit. He had named Sergeant Rohwer as a defendant, but after I told him that he didn't explain what Rohwer did to violate his rights, he removed Rohwer

from the caption. Because Anderson's amended complaint doesn't comply with the pleading rules, I will dismiss it. But I will give him a final chance to submit an amended complaint fixing these problems. In drafting his amended complaint, Anderson should be sure to:

- Identify all of the individuals who he wishes to sue in the caption of the complaint.
- Describe simply and concisely what actions he believes that each defendant took that violated his rights, using separate, numbered paragraphs. If Anderson does not know the identity of particular defendants, he may label them as John Doe No. 1, John Doe No. 2, and so on. The court has procedures by which he may make discovery requests to identify those defendants later in the case. If Anderson fails to submit an amended complaint by the deadline set below, I will dismiss the entire case and I will direct the clerk of court to record a "strike" against him under 28 U.S.C. § 1915(g). See *Paul v. Marberry*, 658 F.3d 702, 705 (7th Cir. 2011) ("[W]hen . . . the plaintiff is told to amend his . . . complaint and fails to do so, the proper ground of dismissal is not want of prosecution but failure to state a claim, one of the grounds in section 1915(g) for calling a strike against a prisoner plaintiff.").

ORDER

IT IS ORDERED that:

1. Plaintiff's motions at Dkts. 34–39 are DENIED.
2. Plaintiff's amended complaint, Dkt. 40, is DISMISSED.
3. Plaintiff may have until March 4, 2026, to submit an amended complaint.

Entered                  February                  11,                  2026.                  BY                  THE                  COURT:                  /s/

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JAMES D. PETERSON

District Judge