

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Dylan Lee Sockness v. C.O. Zoey Carey, C.O. Henry Beekman, Lt.
Bradley McCoy, and Sgt. Marcus Peschke

Sockness · No. 25-CV-1496-JPS-JPS · Decided December 23, 2025

SUMMARY

The United States District Court for the Eastern District of Wisconsin denied without prejudice the plaintiff's motion for leave to file a fifth amended complaint because it did not comply with amendment requirements. The court also denied motions seeking a psychological evaluation and an order requiring jail staff to provide policies, finding that the requested expert appointment was not for a permissible neutral purpose and that the discovery request was premature.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	December 23, 2025
DOCKET	25-CV-1496-JPS-JPS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se under 42 U.S.C. § 1983, moved for leave to file a fifth amended complaint, for a psychological evaluation, and for an order requiring jail staff to provide policies. The district court denied all three motions.
PRECEDENTIAL VALUE	unknown
PARTIES	Dylan Lee Sockness v. C.O. Zoey Carey, C.O. Henry Beekman, Lt. Bradley McCoy, Sgt. Marcus Peschke

TOPICS

- motion to amend
- discovery dispute
- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- constitutional law

QUESTIONS PRESENTED

1. Whether plaintiff should be granted leave to file a fifth amended complaint when he failed to identify the proposed changes and attach a complete proposed amended complaint as required by the local rules.
2. Whether the court should appoint a neutral expert under Federal Rule of Evidence 706(a) to provide plaintiff with a psychological evaluation.
3. Whether the court should order jail staff to provide policies before defendants had appeared and before the ordinary discovery process had begun.

HOLDINGS

1. Leave to amend was denied without prejudice because plaintiff failed to comply with Civil Local Rule 15 by identifying every proposed change and attaching a complete proposed amended complaint.
2. The motion for a psychological evaluation was denied because Federal Rule of Evidence 706(a) does not authorize appointment of a neutral expert merely to benefit a party or advance that party's case.
3. The request was denied as premature because the court does not conduct the initial discovery process and defendants had not yet appeared.

KEY QUOTATIONS

“The amended complaint must be complete in and of itself, without reference to or reliance on prior complaints.” (3)

“Because that is not a permissible purpose for a neutral expert under Rule 706, the Court will therefore deny the motion.” (3)

FACTUAL BACKGROUND

Dylan Lee Sockness is an inmate at Dodge Correctional Institution who brought constitutional claims under 42 U.S.C. § 1983. After the court screened his amended complaint and permitted certain claims to proceed, he sought to amend again, obtain a psychological evaluation by a court-appointed expert, and obtain policies from jail staff. The court found that the amendment motion did not comply with local filing requirements, the requested expert was sought for plaintiff's own benefit rather than to assist the court with conflicting evidence, and the discovery request was premature because defendants had not appeared.

PROCEDURAL HISTORY

Sockness filed a pro se § 1983 complaint while incarcerated at Dodge Correctional Institution. The court screened his amended complaint on December 4, 2025, and allowed him to proceed on certain claims. Before defendants appeared, he filed the three motions addressed in this order.

DISPOSITION

other

CASES CITED

- *Ledford v. Sullivan*, 105 F.3d 354, 358 (7th Cir.)
- *ATA Airlines, Inc. v. Federal Express Corp.*, 665 F.3d 882, 889 (7th Cir.)
- *Gil v. Reed*, 381 F.3d 649, 659 (7th Cir.)
- *Martin v. Redden*, 34 F.4th 564, 569 (7th Cir.)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN DYLAN LEE SOCKNESS, Plaintiff, Case No. 25-CV-1496-JPS-JPS v. C.O. ZOEY CAREY, C.O. HENRY ORDER BEEKMAN, LT. BRADLEY MCCOY, and SGT. MARCUS PESCHKE, Defendants. Plaintiff Dylan Lee Sockness, an inmate confined at Dodge Correctional Institution (“DCI”), filed a pro se complaint under 42 U.S.C. § 1983 alleging violations of his constitutional rights.

ECF No. 1. On December 4, 2025, the Court screened the amended complaint and allowed Plaintiff to proceed on certain claims. ECF No. 21. Pending before the Court are Plaintiff’s motion for order for psychological evaluation, motion for order, and motion for leave to file a fifth amended complaint. ECF Nos. 26, 27, 28.

First, the Court will deny Plaintiff’s motion for leave to file a fifth amended complaint without prejudice. Federal Rule of Civil Procedure 15 allows amendment once as a matter of course in certain circumstances; Plaintiff has already amended his complaint, see ECF No. 20. Rule 15 also provides that a Court should freely grant leave to amend when justice so requires.

Civil Local Rule 15 requires that a motion to amend a complaint notify the court of the proposed changes and the proposed amended complaint be filed as an attachment to the motion. Plaintiff failed to comply with this requirement, and therefore the Court will deny Plaintiff’s motion without prejudice. Should he wish to refile a motion to amend, Plaintiff should identify every difference between the complaint the Court screened and his proposed amended complaint.

He also must attach his proposed amended complaint to his motion. The amended complaint must be complete in and of itself, without reference to or reliance on prior complaints. Second, the Court will deny Plaintiff’s motion for a psychological evaluation, ECF No. 26, which the Court liberally construes as a motion to appoint an expert. Plaintiff asks the Court to order an expert to give Plaintiff a mental health evaluation so that the Court and jury can get a bigger picture of his condition.

The Federal Rules of Civil Procedure allow courts to appoint an expert to help sort through conflicting evidence. See Fed. R. Evid. 706(a); *Ledford v. Sullivan*, 105 F.3d 354, 358 (7th Cir. 1997). However, courts need not appoint an expert for a party’s own benefit or to explain symptoms that can be understood by a layperson. See *ATA Airlines, Inc. v. Federal Express Corp.*, 665 F.3d 882, 889 (7th Cir.

2011); *Gil v. Reed*, 381 F.3d 649, 659 (7th Cir. 2004). It is clear from Plaintiff's motion that he seeks an expert only to advance his own case, not to assist the Court in understanding conflicting evidence. Because that is not a permissible purpose for a neutral expert under Rule 706, the Court will therefore deny the motion. See *Martin v. Redden*, 34 F.4th 564, 569 (7th Cir.

2022). Finally, the Court will deny Plaintiff's motion for an order. ECF No. 27. Plaintiff requests the Court to order jail staff to provide certain policies related to his claims. *Id.* The Court is not involved with the initial discovery process and Defendants have yet to appear in this case.

As such, Plaintiff's request is premature and the Court will therefore deny it. Plaintiff must seek information from Defendants in the normal course of discovery. Accordingly, IT IS ORDERED that Plaintiff's motion for leave to file a fifth amended complaint, ECF No. 28, be and the same is hereby DENIED without prejudice; IT IS FURTHER ORDERED that Plaintiff's motion for psychological evaluation, ECF No. 26, be and the same is hereby DENIED; and IT IS FURTHER ORDERED that Plaintiff's motion for order, ECF No. 27, be and the same is hereby DENIED.

Dated at Milwaukee, Wisconsin, this 23rd day of December, 2025. vov PP ea J. R. Stadtequeller
U.S.*District Judge Page 3 of 3