

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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QUINTIN D. L'MINGGIO,

Plaintiff,

v.

PAMELA BARTELS, SHIRLEY OLSON,  
DR. BOSTON, PATTY BOEBEL,  
JOLENE MILLIN and SUZANE WATTERS,

Defendants.  
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ORDER

01-C-559-C

Plaintiff Quintin D. L'Minggio has filed objections to the decision entered by the United States Magistrate on January 23, 2003. Because the order concerned a subject wholly within the magistrate judge's authority to hear and determine pursuant to 28 U.S.C. § 636(b)1(A), the court will reconsider it only if plaintiff shows that the order is clearly erroneous or contrary to law. Plaintiff has not made that showing.

In his objections, plaintiff refers to orders of the court directing defendants and Warden Berge to provide plaintiff with stamps. In the January 23, 2003 order, the magistrate judge did not deal with that issue, except to state that he had ordered the institution earlier to provide plaintiff with postage for letters to third party entities in an

attempt to obtain relevant discovery. Plaintiff seems to be objecting to the decision made by the magistrate judge not to reconsider his earlier order, in which he declined to require that the institution provide plaintiff more than fifty pages of paper a week or photocopy any document that plaintiff is capable of photocopying by hand. I am not persuaded that this order is erroneous in any respect. Therefore, I will not reconsider it.

Plaintiff complains also that magistrate judge refused to compel defendants to furnish plaintiff with the name of third shift sergeants working between June 1, 2001, and July 4, 2001. The only reference to this in the January 23, 2003, order is magistrate judge's statement that he would not require Douglas Knott to provide such names. That is eminently reasonable. Mr. Knott is counsel for the defendants who are not employed by the state. He is not in any position to identify state employees that were working at the prison in June and July 2001. In complaining to the court that the magistrate judge stated in his order that defendants do not have to provide plaintiff with the names of these persons, plaintiff seems to have misread the order. The magistrate judge said no such thing.

Although plaintiff objects to the magistrate judge's suggestion that plaintiff will have to file a new motion asking for postage for each third party request that he makes and justify the reasonable need for each such request, that suggestion was made only in response to plaintiff's complaint that the warden was disinclined to give him stamps for all of the

discovery that plaintiff thought he needed. It is not an unreasonable burden on plaintiff to make him justify his need for postage to send third party requests.

ORDER

IT IS ORDERED that plaintiff Quintin D. L'Minggio's objections to the decision entered by Magistrate Judge Stephen L. Crocker is construed as a motion for reconsideration of the order and DENIED.

Entered this 18th day of February, 2003.

BY THE COURT:

BARBARA B. CRABB  
District Judge