

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

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TONY WALKER,

Plaintiff,

v.

JON E. LITSCHER, DANIEL R. BERTRAND,  
PATRICK BRANT, FRANCIS LARDINOIS,  
RICHARD JAUQUET, GLEN RIPLEY and  
WENDY BRUNS,

Defendants.

ORDER

02-C-135-C

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TONY WALKER,  
Inmate No. 0167841,

Plaintiff,

v.

DANIEL R. BERTRAND, PETER  
ERICKSEN, PATRICK BRANT,  
DENNIS NATZKE,

Defendants.

01-C-095-C

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TONY WALKER, individually and

behalf of all others similarly situated,

Plaintiff,

00-C-0350-C

v.

DANIEL R. BERTRAND, JEFFREY JAEGER,  
MICHAEL DELVAUX, LAURIE WEIER,  
WENDY BRUNS and JENNIFER VOELKEL,

Defendants.

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In these three civil actions, plaintiff Tony Walker, a prisoner at Green Bay Correctional Institution in Green Bay, Wisconsin, is alleging that defendants violated his constitutional rights. Plaintiff has filed a motion for a preliminary injunction in each case, alleging that prison officials, including defendant Daniel Bertrand, are refusing to provide him with envelopes to communicate with the court because he has exceeded his annual legal loan limit. He alleges that he was unable to respond to a motion to dismiss one of his claims in case no. 02-C-135-C as result of defendant Bertrand's refusal and that, as a consequence, the motion was granted as unopposed and the claim was dismissed on August 27, 2002. Plaintiff requests an order from the court directing defendants to "discontinue enforcement of DOC 309.51 against plaintiff" and provide him with legal supplies at state expense for as long as he is proceeding pro se.

Plaintiff has not shown that he followed the prison's procedures for obtaining an

exception to the legal loan limit under Wis. Admin. Code § DOC 309.51 or explained why his brief in opposition to defendants' motion to dismiss was not enclosed with his present motions. However, because plaintiff alleges that he is unable to send mail to the court, rather than direct plaintiff to submit additional evidence, I will hold a status conference by telephone on November 7, 2002, at 2:00pm, to address this issue. Plaintiff should be prepared to inform the court (1) whether he has prepared his opposition motion in case no. 02-C-135-C and is ready to file it with the court and (2) whether he can show that he followed the prison's procedures for obtaining an exception to the legal loan limit. Counsel for defendant Bertrand should be prepared to discuss whether defendant disputes plaintiff's allegation that he refused to provide plaintiff with envelopes for legal correspondence and, if he does not dispute the allegation, provide the reason for denying the envelope. Counsel should advise the court whether defendant Bertrand intends to deny plaintiff exceptions to the legal loan limit, even when such an exception is necessary to prosecute a pending case.

Counsel for defendants in case no. 02-C-135-C should also be prepared to explain why she has not yet filed proposed findings of fact in support of defendants' motion for

summary judgment in that case, even though she was ordered to do so by September 6, 2002.

ORDER

IT IS ORDERED that a telephone status conference will be held in case nos. 02-C-135-C-, 00-C-350-C and 01-C-95-C on November 7, 2002 at 2:00pm. Defendant's counsel should initiate the call. The telephone number for the judge's chambers is 264-5447.

Entered this 30th day of October, 2002.

BY THE COURT:

BARBARA B. CRABB  
District Judge