

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

NATHANIEL ALLEN LINDELL,

Plaintiff,

ORDER

v.

02-C-473-C

JON E. LITSCHER, Secretary
Wisconsin Department of Corrections,
et alia,

Defendants.

Defendants have filed a motion to revoke petitioner's in forma pauperis status in this court. See Dkt. 92. Defendants contend that plaintiff has violated this court's September 16, 2004 order warning him not to send degrading or harassing communications to a lawyer involved in litigation before this court. See Dkt. 54. Specifically, defendants contend that plaintiff's objections to their motion to submit documents in camera (dkt. 91) falls into the category of degrading and harassing communications. Apart from this court's specific order, defendants contend that plaintiff's right to proceed in forma pauperis is conditioned on his pursuing his lawsuit in good faith. Defendants contend that plaintiff's diatribe establishes that plaintiff is not proceeding in good faith.

Undoubtedly, plaintiff is pushing the edge of the envelope, hoping to provoke a reaction. Plaintiff carefully avoided directing his challenged statement to “a lawyer involved in litigation before this court,” an act that would have fallen within my previous order. Therefore, however pathetic and repulsive plaintiff’s misguided missive might be, not at this time is it grounds to revoke his ability to proceed in forma pauperis in this case.

I will, however, expand the reach of my previous order: if, in this case or any other case filed by plaintiff, he files with this court or serves upon any defendant or opposing attorney any document that contains gratuitously inflammatory material, he shall face severe sanctions including but not limited to dismissal of the case and revocation of his right to proceed in forma pauperis in this court. If plaintiff has any doubt about the ordinary meaning of “gratuitous” or “inflammatory,” then he should back away from the line and litigate with the civility, dignity and common sense that this court expects from every litigant.

Entered this 15th day of December, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge