

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

JAMES J. KAUFMAN,

Plaintiff,

v.

GARY R. McCAUGHTRY, SGT. McCARTHY,
JAMES MUENCHOW, RENEE RONZANI,
SANDY HAUTAMAKI, JOHN RAY,
CYNTHIA L. O'DONNELL and JAMYI WITCH,

Defendants.

ORDER

03-C-27-C

In an order dated March 27, 2003, plaintiff James Kaufman was granted leave to proceed in this lawsuit 1) against defendants McCarthy, Muenchow, McCaughtry, Ray, O'Donnell, Hautamaki and Ronzani for allegedly repeatedly opening his legal mail outside his presence, and 2) against defendants McCaughtry and Witch for allegedly refusing to allow plaintiff to form an atheist inmate group. In addition, plaintiff was allowed to proceed on a claim that defendants violated the settlement agreement in Aiello v. Litscher, case no. 98-C-791-C, when they improperly characterized six magazines sent to him between May and October, 2002, as containing pornography. Plaintiff was denied leave to proceed on

claims that he (1) was denied postage to mail letters to the United States Civil Rights Commission and his power of attorney; (2) was not permitted to receive a specialty catalog mailed to him; and (3) had access only to religious Christmas cards during the holiday season.

On April 24, 2003, I dismissed plaintiff's claim that defendants had mischaracterized six magazines as containing pornography in violation of the settlement agreement in Aiello. That opinion crossed in the mail with plaintiff's present motion for reconsideration of the March 27 order. In particular, plaintiff objects to this court's conclusion that he failed to state a claim that his constitutional rights were being denied because he could not obtain non-Christian Christmas cards at the canteen, and this court's failure to allow him to proceed against additional defendants on his claim that he is entitled under the constitution to form an atheist group. Plaintiff does not make any argument in his motion for reconsideration that I did not take into account when I entered the March 27 order. Because nothing in plaintiff's motion convinces me that I erred in making the rulings I did in the March 27 order, his motion for reconsideration will be denied.

ORDER

IT IS ORDERED that plaintiff James J. Kaufman's motion for reconsideration of

portions of the March 27, 2003 order is DENIED.

Entered this 9th day of May, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge