

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

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GARY B. CAMPBELL,

Plaintiff,

v.

WOOD COUNTY SHERIFF DEPUTY  
TODD JOHNSON,

Defendant.  
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ORDER

04-C-661-C

On December 29, 2004, the magistrate judge held a preliminary pretrial conference in this case to schedule deadlines necessary to move this case to resolution. Under this schedule, the parties have until April 15, 2005, in which to file dispositive motions.

Now plaintiff has written a letter dated January 17, 2005, which I construe as a motion for preliminary relief, enjoining defendant from interfering with his right of access to the court. The motion will be denied.

In his motion, plaintiff states that he has made two requests for case law from jail staff at the Milwaukee County Jail and that he has not yet received the materials despite the passage of two weeks. According to plaintiff, he needs the requested material promptly if

he is to comply with the deadlines set in the magistrate judge's order.

Plaintiff's claim that he is being denied his right of access to the courts cannot be brought in the context of this lawsuit. In situations in which a plaintiff alleges that state officials are interfering with his right of access to the courts in connection with an existing lawsuit, it is the policy of this court to require the claim to be presented in a separate lawsuit with one exception. Where it appears that the alleged interference would directly, physically impair the plaintiff's ability to prosecute his lawsuit, the court will allow the parties to be heard on the matter. In this case, plaintiff suggests that he needs legal resource material in order to keep his case on track, but he does not explain how the lack of such materials physically impairs his ability to prosecute his lawsuit.

This case is about a single incident of the alleged use of excessive force. The law relating to plaintiff's claim was described in the court's November 9, 2004, order allowing plaintiff leave to proceed. Plaintiff will have to prove that defendants used more force than was reasonably necessary under the circumstances. He has no need to visit a law library to obtain more legal precedent. Plaintiff's focus should be on the facts relating to his claim and how he is going to prove them.

#### ORDER

IT IS ORDERED that plaintiff's motion for an order enjoining defendant

preliminarily from denying him access to the courts is DENIED.

Entered this 31st day of January, 2005.

BY THE COURT:

BARBARA B. CRABB  
District Judge