

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

NATHANIEL ALLEN LINDELL,

Plaintiff,

v.

CINDY O'DONNELL, RICK RAEMISCH,
SANDRA HAUTAMAKI, JOHN RAY,
STEVEN CASPERSON, JEFF HAEN,
STEVEN SPANBAUER, KATHLEEN BELLAIRE,
CAPT. KURT LINJER, C.O. DEAVER, ELLEN RAY,
CAPT. GILBERG, PETER HUIBREGTSE, GERALD
BERGE, RICHARD SCHNEITER,
SGT. S. GRONDIN, BRIAN KOOL, C.O. D. ESSER,
C.O. A. JONES, GARY BOUGHTON, JOHN SHARPE,
KELLY TRUMM, C.O. JOHNSON, TIMOTHY HAINES,
LT. J. GRONDIN, C.O. BELL, SGT. BARTELS,
LT. BRUDAS, CPT. JULIE BIGGAR,
C.O. SCHNEIDER, and C.O. KORTMANN,

Defendants.

ORDER

05-C-04-C

Plaintiff has filed a "Notice and Motion for [Rule 11] Sanctions . . ." against Assistant Attorney General John Glinski, Attorney General Peggy Lautenschlager, Ellen Ray, Timothy Hains and Steven Casperson. The motion will be denied.

When a litigant suspects that the opposing party has violated Rule 11, the litigant is

required to give the opposing party formal notice of the conduct alleged to violate Rule 11 and offer the party an opportunity to withdraw or correct its actions to avoid imposition of sanctions. Fed. R. Civ. P. 11(c)(1)(A); Divane v. Krull Electric Co., Inc., 200 F.3d 1020, 1026 (7th Cir. 1999). Plaintiff does not aver that he has complied with this requirement. Even if he had, I am unwilling to consider in the context of a motion for sanctions under Fed. R. Civ. P. 11 plaintiff's objections to defendants' submissions in support of their motion to dismiss. If plaintiff believes that defendants' averments or documentary evidence misstates the facts relating to his efforts to exhaust his administrative remedies, he is free to make a showing of the facts as plaintiff sees them in response to defendants' motion.

ORDER

IT IS ORDERED that plaintiff's motion for imposition of Rule 11 sanctions on Assistant Attorney General John Glinski, Attorney General Peggy Lautenschlager, Ellen Ray, Timothy Hains and Steven Casperson is DENIED.

Entered this 12th day of September, 2005.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge