

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

-----  
KURT W. MEYER,

Plaintiff,

v.

MARK TESLIK,

Defendant.  
-----

ORDER

05-C-269-C

In this civil action for declaratory and monetary relief, plaintiff Kurt Meyer, an inmate at the Fox Lake Correctional Institution in Fox Lake, Wisconsin, contends that defendant Mark Teslik deprived him of his right to freely exercise his religious beliefs between June 26, 2004 and October 1, 2004, in violation of the First Amendment and 42 U.S.C. § 2000cc-1, the Religious Land Use and Institutionalized Persons Act (RLUIPA). Jury selection is scheduled for April 10, 2006, with trial on April 13, 2006. (Note the change from April 12, 2006.)

Now before the court is plaintiff's "Motion to Request Civilian Clothing and Numbered Courtroom" in which he (1) asks for the number of the courtroom in which his trial will be held so he can complete his witness subpoena forms and (2) requests permission

to appear at trial in street clothing, rather than in prison garb. Plaintiff's motion will be granted with respect to his first request: plaintiff's witnesses should be directed to report for trial to Room 250 of the federal courthouse. However, because permitting plaintiff to wear civilian clothing would increase security risks unnecessarily, plaintiff's motion to wear civilian clothing will be denied.

Because plaintiff is proceeding to trial on a claim that defendant Teslik violated his right to participate in prison religious programming, the jury will be aware of the fact that plaintiff is a prisoner regardless of his clothing. Furthermore, in response to plaintiff's motion, defendants have submitted documentation showing that plaintiff has a history of escaping from custody, including a 1999 escape in which he escaped from a state patrol car while handcuffed. Although defendants have not explained how permitting plaintiff to wear street clothes would pose a safety risk, it is reasonable to infer that both the clothes themselves and the act of dressing and undressing might pose a security risk by increasing the opportunity for escape. Therefore, because I conclude that serious security interests outweigh plaintiff's interest in not wearing his prison uniform at trial, his motion will be denied with respect to his request for civilian clothing.

#### ORDER

IT IS ORDERED that plaintiff's "Motion to Request Civilian Clothing and

Numbered Courtroom” is GRANTED in part and DENIED in part.

Entered this 14th day of March, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge