

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

JAMES G. DUDGEON,

Plaintiff,

v.

JOHN FIORELLO

Defendant.

ORDER

06-C-563-C

Plaintiff James G. Dudgeon is proceeding in this civil action brought pursuant to 42 U.S.C. § 1983 on a claim that defendant John Fiorello failed to conduct a preliminary hearing following plaintiff's detention for alleged violations of his parole. Now plaintiff has written a letter dated January 23, 2007, in which he advises the court that he has been transferred from the McNaughton Correctional Center in Lake Tomahawk, Wisconsin, to the Thompson Correctional Center in Deerfield, Wisconsin. Plaintiff complains in his letter that there is no typewriter or desktop computer with word processing capability in the law library at Thompson Correctional Center. According to plaintiff, the lack of a typewriter or word processing program deprives him of his right of access to the courts because without such equipment he cannot complete a petition for a writ of habeas corpus he had planned to submit to this court and his ability to complete legal documents and filings in this case

now is impaired. I construe plaintiff's letter as a motion for a preliminary injunction seeking an order requiring persons not parties to this action to grant him access to a typewriter or word processing program. The motion will be denied.

First, because plaintiff did not assert a claim of denial of access to the courts on the part of corrections officials at the Thompson Correctional Center in this complaint in this lawsuit, his contention that he is being deprived of his right of access to the courts is not properly raised in the context of this lawsuit. Only if plaintiff had alleged facts from which an inference could be drawn that prison officials are physically preventing him from prosecuting his claim in this lawsuit could I take up the matter in the context of a motion for a preliminary injunction in this case. However, that exception is not applicable here. This court does not require plaintiff's submissions to be typed and his January 23 submission reveals without a doubt that plaintiff not only has the physical capacity to write, but that his handwriting is refined. There is no discernable reason why plaintiff cannot continue to prosecute this lawsuit without access to a typewriter or computer.

ORDER

IT IS ORDERED that plaintiff's letter of January 23, 2007, construed as a motion for a preliminary injunction, is DENIED because the matter raised in the motion is outside

the scope of the issues on which plaintiff has been allowed to proceed in this case.

Entered this 31st day of January, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge