

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

LEIGHTON DWIGHT LINDSEY,

Plaintiff,

v.

Captain SALTZER, RYAN ARMSON
and JOSEPH CHICANOWICZ,

Defendants.

ORDER

10-cv-385-bbc

Plaintiff Leighton Lindsey has filed a motion for a writ of habeas corpus ad testificandum for the appearance of proposed prisoner witness Arturo Melendez at the November 14, 2011 trial. Dkt. #71. Melendez has filed an affidavit stating that he has personal knowledge of defendants' alleged excessive force toward plaintiff and that he is willing to testify voluntarily at trial. Therefore, I will grant plaintiff's motion.

Also, plaintiff has filed a motion requesting that he be allowed to appear in street clothes during the trial. Dkt. #73. I will grant the motion. However, plaintiff must make his own arrangements for street clothing by asking family members or friends to have his street clothing delivered to the office of the United States Marshal, 120 N. Henry Street,

Madison, WI 53703, by 8:00 a.m., November 14, 2011. Alternatively, he could ask prison officials to transfer his clothing to the marshal when they bring him to the courthouse for trial. Whether they would agree to do so is a matter within their discretion.

ORDER

IT IS ORDERED that

1. Plaintiff Leighton Lindsey's motion for a writ of habeas corpus ad testificandum for inmate Arturo Melendez, dkt. #71, at the Wisconsin Secure Program Facility in Boscobel, Wisconsin, is GRANTED. The Clerk of Court is directed to issue a writ of habeas corpus ad testificandum for the attendance of Melendez at trial beginning on November 14, 2011. The witnesses should arrive at the courthouse no later than 8:00 a.m.

2. Plaintiff's request to wear street clothes at trial is GRANTED provided that plaintiff arranges for his own street clothes to be transferred to the federal courthouse by 8 a.m. on November 14, 2011.

Entered this 24th day of October, 2011.

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