

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

CHRISTOPHER M. SANDERS,

Plaintiff,

v.

MS. LUNDMARK,

Defendant.

ORDER

11-cv-206-slc

Plaintiff Christopher Sanders is proceeding on a claim that defendant Ms. Lundmark violated his rights under the First Amendment by threatening him with a conduct report and issuing two false conduct reports against him in retaliation for his grievances complaining about the inmate complaint system and her treatment of him. Defendant had filed a motion for summary judgment based on plaintiff's failure to exhaust remedies, but later withdrew that motion after counsel for defendant discovered that plaintiff might have been misled by prison staff about grievance appeal procedures.

Now plaintiff has filed a series of documents raising related issues. He states that counsel for defendant and the warden of the Chippewa Valley Correctional Treatment Facility are tampering with witnesses and failing to assist him in locating witnesses. He requests that the court find counsel in contempt and asks "that this court guide me or assist me in a 'John Doe' investigation to get the Federal Department of Justice to investigate laws that may have been broken" by counsel or the warden. Also, he states that "I would like to start pumping information to every state media outlet, discussing in depth the corruption that exists within the state Attorney General's Office," and asks for the court to inform him "what [he] is allowed to expose at this point."

First, the court cannot assist plaintiff with filing criminal charges against counsel, the warden or anybody else; if he wishes to pursue charges he should contact the proper state or federal law enforcement authorities. As far as plaintiff's motions to find counsel for defendant in contempt, plaintiff fails to develop evidence or argument as to why contempt is warranted. Plaintiff seems to

be asserting that counsel or the warden are keeping the locations of witnesses from him and also “coaching” witnesses, but at this point, all plaintiff brings to bear on his motion is his unsubstantiated say-so. Accordingly, I must deny the motions.

In any case, motions for contempt are not going to be the a very productive way for plaintiff to prepare his case. A better way for plaintiff to obtain the evidence he needs is to use the discovery procedures discussed in the court’s July 21, 2011 preliminary pretrial conference order. Plaintiff may make discovery requests of defendant seeking the location of other prison staff, and he may attempt to pose questions to them, either in depositions (which probably are too expensive) or by writing to them and asking for information (because the witnesses are not parties, they are not obliged to answer plaintiff’s questions, but they might choose to do so). If plaintiff finds that defendant is not complying with plaintiff’s discovery requests, *then* he may file a motion to compel, but if he does this, then he will have to explain in detail the nature of his information request and defendant’s response.

With regard to plaintiff’s desire to publicize his plight and request for guidance on what he is allowed to “expose” to the media, plaintiff is free to talk to whomever he wants about whatever he wants. The exception is defendant’s *in camera* submission of adult conduct reports concerning other inmates, but this filing was made ex parte and thus plaintiff does not retain copies of these records.

Finally, I note that plaintiff expresses his dissatisfaction with the clerk’s office. He seems to be concerned about the timing of several docket entries, in particular defendant’s motion to withdraw her exhaustion motion. Plaintiff states that his initial motion requesting a John Doe investigation “should have arrived” on November 16, 2011, but was not docketed until November 17, allowing defendant to file the motion to withdraw on November 16 and the court to grant that motion the same day. He states also that one of his contempt motions “should have arrived on [December 3],

and now it is [December 5]. I am convinced that this court system is working in cooperation with the State Attorney General's Office to hinder [his] lawsuit." These are serious allegations, but they have no basis in fact.

No member of this court or the clerk's office is collaborating with the attorney general. The clerk's office docket parties' submissions when they arrive. Plaintiff may be underestimating the time it takes for a piece of mail to get from his post office to the court's mailbox up to the clerk's office. Setting aside plaintiff's unfounded allegations of a conspiracy, plaintiff does not explain how he has been prejudiced by any of these alleged problems. It seems clear from the record that he has not been harmed in any way. I would have granted defendant's motion to withdraw her motion for summary judgment no matter when plaintiff's initial request for a John Doe investigation arrived, and it appears that both of his motions to find counsel for defendants in contempt have been properly docketed.

ORDER

It is ORDERED that

1. Plaintiff's motion for a John Doe investigation, dkt. 61, is DENIED.
2. Plaintiff's motions to find counsel for defendant in contempt, dkts. 62, 63, are DENIED.

Entered this 13th day of January, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge