

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

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HAKIM NASEER,

Plaintiff,

v.

ICE KELLY TRUMM, TIM HAINES,  
HSU Supervisor MARY MILLER, WARDEN  
HUIBREGTSE, CHRISTINE BEERKIRCHER  
and UNKNOWN MAINTENANCE  
DEPARTMENT PERSONNEL,

Defendants.  
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ORDER

11-cv-004-bbc

In this civil action, plaintiff Hakim Naseer is proceeding on claims that prison staff retaliated against him by putting hazardous chemicals in his cell's water supply and by refusing to investigate the problem. In orders dated May 6, 2011 and September 7, 2011, I denied plaintiff's motions for preliminary injunctive relief because he provided no evidence of any value to support his claims. In the September 7 order, I set out a schedule for plaintiff to identify the John Doe defendants in this case. Those deadlines have come and gone and plaintiff has not filed an amended complaint identifying the Doe defendants. Instead, plaintiff has filed two motions to stay the proceedings, arguing that he is incapable of litigating the action because his legal loan has been canceled and his legal materials have not been returned to him following his transfer to the Green Bay Correctional Institution.

Defendants have responded by explaining that plaintiff will be eligible for a new \$100 legal loan on January 1 and that in the meantime he receives two pieces of paper and an envelope each week. In addition, he may send out one “free” letter a week, weighing up to an ounce. (Plaintiff estimates that under this policy, he can send four to five pages out in this letter without going over one ounce.) Defendants argue that there is no need to stay the proceedings because plaintiff will have his new legal loan well before the January 17, 2011 summary judgment deadline and in any case, he can submit materials by utilizing his free letter each week.

I will deny plaintiff’s motions without prejudice to his renewing the motions at a later date. The motions must be denied at this time because plaintiff does not explain how he has been limited by the prison policies. Plaintiff does not explain what items he wanted to send but could not because of the one-ounce limit on his free letters or why he will not be able to adequately litigate the case after he receives his new legal loan in January. Moreover, although he states that he has not been allowed to make photocopies, he does not explain what he wishes to photocopy and how it relates to his case (and in any case, the court has already explained that plaintiff may make handwritten or typed copies of documents to send to the court).

More specifically, although plaintiff seems to say that he is being prevented from submitting an amended complaint identifying the Doe defendants, he does not flesh out why this is the case. Nonetheless, I will give him another chance to complete this process. He should not have any problem sending out discovery requests aimed at identifying these

defendants by utilizing his free letters. To the extent he is concerned about a four or five page limit on mailings, he is free to submit his amended complaint in more than one mailing. Further, under an informal service agreement between the Department of Justice and this court, the department has agreed to accept electronic service of documents on behalf of the defendants it represents. Therefore, plaintiff need not send a paper copy of each document he files with the court to the department because it has agreed to represent all of the non-Doe defendants.

The new schedule for identifying the Doe defendants in this case (using the procedures described in the court's September 7, 2011 order) is as follows: plaintiff shall complete service of discovery requests aimed at identifying the Does by January 13, 2012. Defendants have until January 24, 2012 to respond to the discovery requests. Plaintiff shall file an amended complaint by February 7, 2012. Because this process has been extended past the dispositive motions deadline, that deadline will be moved to March 1, 2012.

## ORDER

IT IS ORDERED that

1. Plaintiff Hakim Naseer's motions to stay the proceedings, dkts. ## 43 & 47, are DENIED without prejudice.
2. The schedule for identifying the Doe defendants and dispositive motions deadline

are AMENDED as provided in the opinion above.

Entered this 30th day of December, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge