

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

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JAMES J. KAUFMAN,

Plaintiff,

v.

JEFFREY PUGH, SANDRA COOPER,  
TERRY SHUK, ISMAEL OZANNE,  
OFFICER O'CONNELL, CHARLES COLE,  
DAN WESTFIELD and SHEILA PATTEN,

Defendants.  
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ORDER

11-cv-421-bbc

In this lawsuit, plaintiff James Kaufman is proceeding on First Amendment claims against defendant prison officials for denying him possession of printed materials on the ground that they were pornographic. In an April 18, 2012 order, I denied plaintiff's motion to have defendant Ismael Ozanne replaced in his official capacity as Department of Corrections deputy secretary by his successor in that position, defendant Charles Cole, stating that

at this point it seems that plaintiff's claim against Ozanne is an individual capacity claim, and as defendants point out, it should not be necessary to add the deputy secretary in his official capacity in order to provide equitable relief going forward. Accordingly, I will deny this motion without prejudice, but will add Cole in his official capacity if it later becomes apparent that it is necessary to do so.

Dkt. #33. Plaintiff has filed a motion for reconsideration of that decision, stating that he

has been unable to conduct discovery, but this does not appear to be the case—Cole remains in the case as a defendant, and plaintiff does not explain why he has been unable to get the documents he needs from Cole or the other defendants. Moreover, plaintiff has now filed his response to defendants’ motion for summary judgment and does not point to any further difficulties in acquiring evidence. Accordingly, IT IS ORDERED that plaintiff’s motion for reconsideration, dkt. #36, is DENIED. The court has taken defendants’ motion for summary judgment under advisement and will issue a ruling on that motion shortly.

Entered this 16th day of July, 2012.

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