

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

PRINCE ATUM-RA UHURU MUTAWAKKIL,
also known as NORMAN GREEN,

Plaintiff,

v.

PETER HUIBREGTSE, JUDITH HUIBREGTSE,
LEBBEUS BROWN, CHAD LOMEN,
ELLEN RAY, BRIAN KOOL
and DIANE ALDERSON,

Defendants.

ORDER

11-cv-471-bbc

On August 11, 2011, this court granted plaintiff Prince Atum-Ra Uhuru Mutawakkil, also known as Norman Green, leave to proceed on his claim that defendants are prohibiting him from identifying himself using his religious name, in violation of his rights under the free speech clause, the equal protection clause, the free exercise clause and the Religious Land Use and Institutionalized Persons Act. Now plaintiff has filed a document titled "Protection Order for Return of Exhibits and Protection from Harassment." Plaintiff states that the institution is holding exhibits that he sent out to be photocopied and returned to him. In addition, plaintiff says that since filing this lawsuit, the defendants have harassed him by photographing his tattoos and moving him to a room with a "suicide camera," exasperating plaintiff's shy-bladder syndrome. I will construe plaintiff's submission to be a motion for preliminary injunction brought under Fed. R. Civ. P. 65(a).

That said, plaintiff's submission does not comply with this court's procedures for obtaining a preliminary injunction, probably because he didn't explicitly ask for injunctive relief.

For instance, plaintiff has not submitted any admissible evidence to support his request for relief and he has not proposed facts supported by such evidence. But even if plaintiff *had* submitted these materials, this court still would deny his motion for relief because it encompasses a new set of facts that are not a part of the claims on which this court allowed plaintiff to proceed in this lawsuit.

When a plaintiff alleges that the defendants have retaliated against him for initiating a lawsuit, this court's policy is to require plaintiff to present his claim in a lawsuit separate from the one that allegedly provoked the retaliation. This policy prevents the complication of issues that often results from the ongoing cumulation of claims in one action. The court recognizes an exception to this policy only where it appears that the alleged retaliation would directly, physically impair the plaintiff's ability to prosecute his lawsuit. If plaintiff were to make this showing, then I would ask defendants' lawyer to look into the matter and report to the court. With regard to plaintiff's assertions that institution staff are holding on to his photocopied exhibits, plaintiff fails to explain how these exhibits are relevant to this case or how not having them in his immediate possession has prevented him from pursuing this lawsuit at this time. The other retaliatory actions plaintiff describes are not the sort that would hamper plaintiff's ability to prosecute this lawsuit. Accordingly, if plaintiff wants to raise a claim that prison officials are retaliating against him for filing this lawsuit, he will have to do so in a separate lawsuit after he exhausts his administrative remedies as to the claims.

ORDER

IT IS ORDERED that plaintiff Prince Atum-Ra Uhuru Mutawakkil's motion for preliminary injunctive relief, dkt. 22, is DENIED.

Entered this 29th day of March, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge