

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

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DARRIN A. GRUENBERG,

Plaintiff,

v.

DUSTIN KINGSLAND and  
STEVEN MUELLER,

Defendants.

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MEMORANDUM

11-cv-574-slc

This memorandum addresses some housekeeping matters in advance of the final pretrial conference and trial on Monday, January 22, 2013:

First, copies of the voir dire, jury instructions and special verdict form are attached for the parties to review before the pretrial conference.

Second, the court expects and hereby directs that witnesses shall be called to testify only once at trial absent extenuating circumstances. Defendants' attorney should plan on asking all of his questions of witnesses called in plaintiff's case without reserving any questions for the defense case.

Third, plaintiff has requested that he be allowed to appear in street clothes and without shackles during the trial. *See* dkt. 57 at 6. The court will not permit the state to shackle plaintiff in the presence of the jury, but WDOC may employ a less visible means of control (such as a remote stun device) if WDOC deems this necessary for security reasons. With respect to street clothing, it is this court's practice to grant such requests unless the DOC expresses some special concern. Having heard no objection from defendants at this point, I will grant plaintiff's request to wear street clothing. 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, not later than 8:00 a.m.,

January 22, 2013. 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.

Fourth, plaintiff has filed a motion requesting that the court direct the warden of the Wisconsin Secure Program Facility to allow plaintiff a haircut and shave. Dkt. 75. According to plaintiff, the warden has refused his requests. This is a matter solely within the discretion of the warden, who is responsible for the overall security and management of the institution. Accordingly, plaintiff's motion is denied.

Fifth, plaintiff has notified the court that he now has \$50 in legal loan funds that he could use to submit copies of the evidence that he intends to introduce at trial. Given the fast-approaching trial date and the unlikely event that all of plaintiff's proposed exhibits either will be admitted into evidence or even would arrive in time for trial, plaintiff should bring his proposed exhibits with him to the courthouse. The court will copy any exhibits admitted into evidence and then bill plaintiff at the standard rate of 10 cents per page.

Finally, the court will address the remaining motions in limine and objections to exhibits at the pretrial conference.

Entered this 11<sup>th</sup> day of January, 2013.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge