

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

THOMAS KURUC,

Plaintiff,

v.

PATRICK J. FIEDLER,
PETER STACY, CAPTAIN
GRADY, JEFFREY EDOS,
ZAN ERDMANN, MICHAEL
CADOTTE, ROBERT
BROMMRICK, TIM NELSON,
DARIN GILMORE, AND
DEPARTMENT OF CORRECTIONS,

Defendants.

ORDER

93-C-324-C

On December 14, 1993, I entered an order in this case directing Robert Ciarpaglini, an inmate who prepared and submitted documents on behalf of plaintiff Thomas J. Kuruc, to pay to the United States Treasury the sum of \$200 as a sanction for his violation of Rule 11. In addition, I ordered that in the future, this court would accept no further filings from Robert Ciarpaglini on behalf of any inmate. Now Ciarpaglini has filed a document titled "Motion for Protective Order and Rule 11 Sanctions," together with an affidavit. In these documents, Ciarpaglini states that he has received requests for financial information from

Assistant United States Attorne Heidi Luehring in documents captioned “United States of America v. Robert Bruno Ciarpaglini,” bearing case no. 93-C-324-C. Ciarpaglini objects to responding to the government’s requests on the following grounds:

1) Because Ciarpaglini is not a party to case no. 93-C-324-C, this court lacks jurisdiction to require him to answer discovery demands;

2) The government lacks standing to seek financial information from him;

3) The discovery demands are barred by the doctrine of laches;

4) Ciarpaglini has filed for bankruptcy, which bars the government from attempting to collect the sanction; and

5) The sanction is not a “judgment” entitling the United States to conduct discovery.

All of Ciarpaglini’s arguments are unavailing.

Although it is not entirely clear why the government captioned its requests for discovery information about Ciarpaglini’s current financial status as it did, the fact remains that Ciarpaglini was ordered to pay a \$200 sanction in this action. This court has jurisdiction over matters relating to the collection of that sanction. Moreover, pursuant to 28 U.S.C. § 3015, the United States is authorized to discover the financial condition of persons who owe the United States fines and penalties imposed under Fed. R. Civ. P. 11. That the sanction has not been reduced to a “judgment” is of no consequence.

Ciarpaglini’s contention that the discovery demands are barred by the doctrine of

laches is meritless. It is well-settled that the United States is not bound by state statutes of limitation or subject to the defense of laches in enforcing its rights. United States v. Summerlin, 310 U.S. 414 (1940) (citing cases). Moreover, that Ciarpaglini may have filed for bankruptcy does not bar the government from seeking information about his financial status. At most, it will affect the forum in which the government must seek to collect amounts owed to it.

Accordingly, IT IS ORDERED that Robert Ciarpaglini's "Motion for Protective Order and Rule 11 Sanctions" is DENIED. The clerk of court is requested to mail a copy of this order to Robert Ciarpaglini at the Dodge Correctional Institution, P.O. Box 700, Waupun, Wisconsin, 53963-0700, and Assistant United States Attorney Heidi Luehring.

Entered this 1st day of August, 2005.

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