

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

FREDERICK ROGERS,

Plaintiff,

ORDER

v.

01-C-0589-C

C.O. LOCKWOOD,

Defendant.

Plaintiff has filed a “Motion for an Order Directing [the Department of Corrections] to Supply Plaintiff with Necessary Scribe Materials.” In this motion, plaintiff states that as an indigent inmate, he is having difficulty obtaining carbon paper and paying for copies of correspondence and motions he wishes to file in this case. I construe plaintiff’s motion as a motion for an order directing prison officials to provide him with free photocopying service and more paper than he is presently able to obtain so that he can prosecute this action in the manner he deems appropriate. The motion will be denied.

Although plaintiff does not say so directly, I assume that he is having difficulty obtaining all the paper, envelopes, postage and photocopies he wants because he has exceeded the \$200 annual legal loan limit authorized under Wis. Admin. Code § DOC

309.51. However, § DOC 309.51 also provides that the legal loan limit may be exceeded “if the inmate demonstrates an extraordinary need, such as a court order requiring submission of specified documents.” The preliminary pretrial conference order in this case, dkt. #34, sets deadlines within which the parties are to complete certain tasks that will move this case to resolution. Assuming plaintiff confines his legal activities to those described in the preliminary pretrial conference order, it would be unusual for the prison to refuse to grant plaintiff an exception to the legal loan limit. Indeed, plaintiff has not supplied the court with a copy of his communications to the warden so that I can be sure that he fulfilled his obligation to demonstrate his need for postage or paper as required by § DOC 309.51. In the absence of proof that plaintiff complied with proper procedure, I am unwilling to assume that the warden is deliberately refusing to grant plaintiff postage or paper or photocopies so that he can prosecute this action.

Even assuming that the warden has denied plaintiff’s request to copy materials or obtain supplies that ordinarily would fall under the exception in § DOC 309.51, plaintiff has not shown that he is entitled to the relief he seeks in his motion. Plaintiff does not have a constitutional right to unlimited photocopies, postage or other legal supplies. See Lewis v. Sullivan, 279 F.3d 526 (7th Cir. 2002). Plaintiff chose recently to file a second lawsuit in this court, Rogers v. Brant, 03-C-230-C, despite his alleged difficulty in obtaining legal supplies. Plaintiff is cautioned that if he fails to manage his limited resources well, he may

find that he cannot prosecute two cases simultaneously, in which case he may have to choose to dismiss one or both of his cases voluntarily or suffer dismissal for his failure to prosecute.

ORDER

IT IS ORDERED that plaintiff's "Motion for an Order Directing [the Department of Corrections] to Supply Plaintiff with Necessary Scribe Materials" is DENIED.

Entered this 3rd day of June, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge