

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

NATHANIEL ALLEN LINDELL,

Plaintiff,

v.

JEFFREY FRIDAY, officer 2 at Waupun
Correctional Institution; STEVEN HOUSER,
captain at Waupun Correctional Institution;
WILLIAM SCHULTZ, Financial Specialist 2
at Waupun Correctional Institution,

Defendants.

ORDER

02-C-459-C

Plaintiff has filed a motion in limine requesting that the court forbid defendants from using shackles and hand-cuffs on him and his incarcerated witness in the courtroom during his trial, scheduled for Monday, March 1, 2003. Plaintiff's motion is premature, as defendants have not requested that such restraints be worn. As a result, I will rule on plaintiff's request at the final pretrial conference on March 1, with input from the marshal's office and the prison guards. I note that should defendants wish plaintiff and his witness to wear restraints, they must prove an "extreme need" for the restraints, taking into consideration the prisoners' "history of violence in the face of maximum security

precautions.” Lemons v. Skidmore, 985 F.2d 354, 358 (7th Cir. 1993). Even if the court decides in favor of restraining plaintiff or his witness, they are entitled to the minimum restraints necessary in order to minimize the likelihood of prejudice to the jury. Id. at 359. Thus, I will stay plaintiff’s motion until the final pretrial conference.

Along with his motion in limine, the court received a letter from plaintiff on February 19, 2004, requesting the “case number and first page of the docket entry sheet listing the parties” for a case involving “Burnell,” that “settled in 2003 for more than \$100,000” and that included as defendants “staff at the Wisconsin Resource Center and state employees.” I will deny plaintiff’s request because 1) he fails to explain why he requires the information; 2) I am unable to locate a case with a plaintiff by the name of Burnell; and 3) he failed to follow this court’s procedures that require a plaintiff to submit \$0.10 for a copy of each page requested. The court does not have the resources to fund litigants’ copy requests.

ORDER

IT IS ORDERED that

1. Plaintiff Nathaniel Allen Lindell’s motion in limine requesting that the court forbid defendants from using shackles and hand-cuffs on him and his incarcerated witness in the courtroom during his trial is STAYED until the final pretrial conference on Monday, March 1, 2004;

2. Plaintiff’s February 19, 2004 document request is DENIED;

3. The clerk of court is directed to send a copy of this order to the marshal's office to alert them of plaintiff's physical restraint request.

Entered this 24th day of February, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge