

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

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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.  
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ORDER

02-C-459-C

Plaintiff has filed a motion in limine requesting that the court forbid defendants from making him wear orange prison clothing and instead allow him to wear green prison clothing. In support of his motion, plaintiff cites Woods v. Theirret, 5 F.3d 244, 247-50 (7th Cir. 1993). However, the court in Woods did not find that prison clothing, regardless of color, prejudiced the prisoner plaintiff. Id. at 249-50. The court reasoned that “because the case involved an inmate’s lawsuit against prison guards – the very subject matter of the lawsuit dealt with the prison authorities failing to feed him while he was deadlocked – the jury would certainly be made aware of the fact that these witnesses were prisoners no matter

what they wore, thus the possibility of prejudice was nonexistent.” Id. (“The potential harm of shackles – that they make the jury think the witnesses are dangerous or violent – is not present when a witness merely wears prison clothing.”). As in Woods, plaintiff’s case involves prison staff. Regardless of what plaintiff wears, the jury will know that he is a prisoner. Therefore, plaintiff’s motion is DENIED.

Entered this 26th day of February, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge