

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

TONY WALKER,

Plaintiff,

v.

PATRICK BRANT, FRANCIS LARDINOIS,
and RICHARD JAUQUET,

Defendants.

ORDER

02-C-135-C

Plaintiff Tony Walker is proceeding in this civil action on a claim that his First Amendment rights were violated when defendants rejected as contraband a catalog of “Adults Only” books and magazines published by a mail order business identified as Paper Wings. In an order entered on March 25, 2003, I set a schedule for briefing defendants’ motion for summary judgment. However, on April 24, 2003, in Kaufman v. McCaughtry, case no. 03-C-27-C, I considered the question whether it was proper for this court to review claims brought in independent lawsuits by individual members of the class in Aiello v. Litscher, case no. 98-C-791-C, in which the members challenged post-settlement characterizations of mail as pornography. I concluded that such claims could not be decided

without affecting the Aiello class as a whole and that in any event, the settlement agreement precludes lawsuits based solely on isolated misinterpretations of the rule or its successor regulations by line staff. A copy of the Kaufman decision is attached to this order. It directs the outcome of this lawsuit, which is immediate dismissal pursuant to 28 U.S.C. § 1915A.

ORDER

For the reasons set out in Kaufman v. McCaughtry, case no. 03-C-27-C (W.D. Wis. Apr. 24, 2003), a copy of which is attached to this order, IT IS ORDERED that this case is DISMISSED pursuant to 28 U.S.C. § 1915A, for plaintiff's failure to state a claim upon which relief may be granted. The clerk of court is directed to enter judgment in defendants' favor and close the case.

Entered this 8th day of May, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge