

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

ERIC W. POIRIER,

Plaintiff,

v.

JAMES E. DOYLE, JAMES SCHANSBERG,
KEITH CRIVELLO, DIANE NELSON,
CHERYL R. SCHINDLER, WILLIAM R.
GLASS, MARY REPPE and DEAN C. MEYER,

Defendants.

ORDER

00-C-0382-C

Plaintiff has filed a document entitled “Motion for Relief.” In it, plaintiff reminds the court that he is proceeding in forma pauperis and asks that the court assume the costs of making copies of his “original motion, answer, transcripts and police reports” for service on the defendants.

It is unclear what “original motion” plaintiff is referring to or why he believes he is required to serve defendants’ counsel with an answer, transcripts and police reports. However, I note that defendants William Glass and Mary Reppe have served plaintiff with a request for production of documents in which they ask plaintiff to produce certain documents for

inspection “at the offices of Wiley, Colbert, Norseng, Cray and Herrell, S.C., or such other place as the parties may agree.” Perhaps the documents plaintiff describes in his motion are documents fitting the description of documents sought in this request.

As an initial matter, plaintiff should be aware that even though he is proceeding in forma pauperis, he is still responsible for serving defendants’ counsel with a copy of any papers he files with the court. No public funds exist to cover these basic costs of litigation for indigent litigants. Plaintiff is free to hand-copy motions and briefs he files with the court for service on the defendants.

Presumably, the documents sought in defendants’ request for production of documents cannot be hand-copied, but this should not cause plaintiff difficulty. Under Fed. R. Civ. P. 34, he is required to *produce* the documents for inspection, not to copy them for defendants. If defendants want a copy of the documents they inspect, they will have to pay the copying costs. Of course, given defendants’ request that plaintiff produce the documents at the law offices of their counsel, it is understandable that plaintiff may have believed he was responsible for paying copying costs. An incarcerated individual is not in a position to bring documents to a law office. However, as defendants’ request for production of documents states, the inspection may be made “at such other place as the parties may agree.” If defendants wish to inspect documents in plaintiff’s possession, I suspect they will agree

to view them at the prison.

Accordingly, IT IS ORDERED that plaintiff's request that the court pay the copying costs he incurs in prosecuting this case is DENIED.

Entered this 3rd day of October, 2000.

BY THE COURT:

BARBARA B. CRABB
District Judge