

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

-----

STATE OF WISCONSIN (State  
Trial Court, Milw. Police Dept.,  
Milw. D.A.'s Office),

Plaintiff,

ORDER

v.

00-C-516-C

VICTOR BERDINE,

Defendant.

-----

Victor Berdine, a prisoner at the Whiteville Correctional Facility in Whiteville, Tennessee, has filed a document titled "Motion to Compell the State Court, Police Dept. and District Attorney's Office to Produce Exculpatory and Discovery Material." He has captioned the case as one in which he is the defendant, and cites to state court case nos. 98-2541 and 00-1329-W. He requests leave to file these documents in this court in forma pauperis.

This action is not a civil action subject to the 1996 Prisoner Litigation Reform Act. Rather, it appears that Berdine is seeking an order overturning a decision of the Wisconsin Court of Appeals denying his motion for postconviction discovery. This court has no jurisdiction to review such decisions. If Berdine disagrees with the decision of the Court of

Appeals, his recourse is to appeal to the Wisconsin Supreme Court. If the Wisconsin Supreme Court rules adversely to Berdine, the matter is ended. He cannot start over again in federal court.

IT IS ORDERED that Victor Berdine's request for leave to proceed in forma pauperis in this action is DENIED and this case is DISMISSED for lack of jurisdiction.

Entered this 24th day of August, 2000.

BY THE COURT:

BARBARA B. CRABB  
District Judge