IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

- -

LEONARD COLLINS,

                                                    ORDER

                    Plaintiff,

                                          04-C-147-C

          v.

GARY McCAUGHTRY,
DICK POLINSKE, and
MOLLY OLSON,

                    Defendants.

- -

        Plaintiff is proceeding in forma pauperis in this action on his retaliation claim against

defendants Molly Olson and Dick Polinske and a First Amendment free speech claim against

defendant Gary McCaughtry. Now plaintiff has filed a document titled "Motion," in which

he is complaining about the limited time he is allowed in the prison law library. Plaintiff

suggests that the limitation infringes his constitutional right of access to the courts. I

construe plaintiff's "motion" as a motion for an order enjoining defendants from interfering

with his access to the prison law library. The motion will be denied.

        Plaintiff has submitted no evidence to show that the defendants named in this action

are physically preventing him from prosecuting this lawsuit. Short of such a showing, any

1

claim he has that he is being denied his constitutional right of access to the courts must be raised in a lawsuit separate from this one.

In any event, there is no motion pending in this case at the present time that would require plaintiff to conduct legal research. The court's order granting him leave to proceed on his claims set out the law governing his claims. Even if plaintiff's use of the law library was critical to his ability to submit proper filings in this case (for example, plaintiff asserts that he wanted to review Fed. R. Civ. P. 36, in light of defendants' complaint that plaintiff's requests for admission were not in compliance with the rule), plaintiff does not contend that he will be unable to gain access to the library before the March 18, 2005 discovery deadline occurs.

Accordingly, IT IS ORDERED that plaintiff's motion for an order enjoining defendants from interfering with his access to the law library is DENIED.

Entered this 25th day of August, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge

2