IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

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GARRY ALLEN BORZYCH,

ORDER

Plaintiff,

04-C-0632-C

v.

MATTHEW J. FRANK, STEVE CASPERSON,
ANA M. BOATWRIGHT, GERALD BERGE,
GARY BOUGHTON, PETER HUIBREGTSE,
JUDITH HUIBREGTSE, RICHARD RAEMISCH,
LEBBEUS BROWN, and TODD OVERBO,

Defendants.

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Judgment in favor of defendants was entered in this action on September 12, 2005, following issuance of an opinion and order on September 9, 2005, in which I ruled on the parties' cross motions for summary judgment. Now plaintiff has filed a timely motion to alter or amend the judgment pursuant to Fed. R. Civ. P. 59. In large part, plaintiff's motion is nothing more than reargument of matters he argued in connection with the cross motions. I need not repeat here the reasoning for my decision, which was fully explained in the September 9 order. I will comment, however, on two misapprehensions plaintiff is harboring.

First, plaintiff argues that I erred in refusing to find that Odinism is a religion. I did not refuse to find that Odinism is a religion. Although the parties hotly disputed the issue, for the purpose of deciding the motions for summary judgment I accepted plaintiff's view that Odinism is a religion and I concluded that defendants' refusal to permit plaintiff to possess *The NPKA Book of Blotar*, *Temple of Wotan* and *Creed of Iron* burdened his religious practice. Nevertheless, I concluded that the burdening of plaintiff's rights under the Religious Land Use and Institutionalized Persons Act and the First Amendment was justified by compelling state interests in security and rehabilitation.

Second, plaintiff argues that I erred in refusing to consider "the whole record" on summary judgment. He appears to be suggesting that because he is pro se, the court should have accepted facts he proposed that were not supported by admissible evidence or considered materials he submitted that were not allowed under the court's summary judgment procedures. Plaintiff is mistaken.

Although it is true that the *pleadings* of pro se plaintiffs must be construed liberally, Haines v. Kerner, 404 U.S. 519, 520 (1972), the law does not permit a different set of litigation rules for pro se litigants. Jones v. Phipps, 39 F.3d 158, 163 (7th Cir. 1994). No lower standard applies to pro se litigants when it comes to rules of evidence and procedure. Id.; Friedel v. City of Madison, 832 F.2d 965, 970 (7th Cir. 1987) (requirements of Rule 56(e) set out in mandatory terms). It was proper to disregard the parties' submissions that

were not in conformance with this court's summary judgment procedures and to ignore those facts proposed by the parties that were not supported by the evidence.

ORDER

IT IS ORDERED that plaintiff's motion pursuant to Fed. R. Civ. P. 59 to alter or amend the judgment entered in this case on September 12, 2005, is DENIED.

Entered this 22nd day of September, 2005.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge