

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

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CHARLES LAMONT NORWOOD,

Petitioner,

v.

GARY HAMBLIN,

Respondent.

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ORDER

04-C-854-C

Petitioner Charles Lamont Norwood, a prisoner at the Dane County jail, filed this proposed civil action on November 12, 2004. In his complaint, petitioner alleges that respondents violated his constitutional right of access to the courts by refusing to provide him more than four postage-paid envelopes and a small pad of paper each week and free photocopies of legal materials. In an order entered on November 18, 2004, I told petitioner that in order to state a claim of denial of access to the courts, he would have to allege facts from which an inference can be drawn of "actual injury." Lewis v. Casey, 518 U.S. 343, 349 (1996). I expressed doubt that petitioner could allege such facts, given legal precedent in this circuit that prisons and jails have no constitutional duty to subsidize prisoner litigation with unlimited amounts of free postage or legal supplies. See Lindell v. McCallum, 352 F.3d

1107, 1111 (7th Cir. 2003); Lewis v. Sullivan, 279 F.3d 526, 528 (7th Cir. 2002). Nevertheless, I gave petitioner until November 30, 2004, in which to supplement his complaint to identify a lawsuit he had been unable to pursue and the name of the court in which the suit was filed and dismissed because of respondents' alleged policies regarding postage, paper and photocopies. I told petitioner that if, by November 30, 2004, he failed to identify the lawsuit he had been prevented from pursuing because of respondents' refusal to give him larger supplies of postage and paper or free photocopies, I would deny his request for leave to proceed in forma pauperis for his failure to state a claim upon which relief may be granted.

Now petitioner has filed a "supplement to complaint." In this document, petitioner asserts that he believes a lawsuit he attempted to file in this court was not received by the court because, under respondent's policy, he had to mail his pleadings in four separate envelopes instead of one large manila envelope. He states that he has attempted to file "three or four" complaints with this court, and assumes that because I referred in the November 18 order to this case as his second case, some of his papers must have been lost in the mail. According to petitioner, if respondents had given him "one giant gold manila envelope," the court would have received all of his pleadings. Thus, petitioner reasons, he has been injured by respondents' legal supply policy.

The fact is that petitioner has filed five lawsuits with this court in less than one

month. Norwood v. Hamblin, 04-C-813-C, was filed on November 1, 2004. That case was dismissed on November 24, 2004 as legally meritless and a strike was recorded against petitioner. Next, petitioner filed this lawsuit on November 12, 2004. On November 18, 2004, petitioner filed Norwood v. Nurse Tammy, 04-C-873-C. On November 22, 2004, he filed Norwood v. Dane County Nurses Shaya, Dustin and Ann Reents, 04-C-887-C, and on November 26, 2004, he filed Norwood v. Hanvold, 04-C-899-C. That petitioner has been able to file five lawsuits in less than a month belies his contention that respondents' paper, postage and photocopy policies are denying him access to the courts. Indeed, petitioner has taken a shotgun approach to litigation. He appears to be filing lawsuits without conducting even minimal legal research to determine whether federal law supports each of his claims of constitutional wrongdoing. More important, he does not appear to be considering whether the acts or rules about which he complains in each of his lawsuits warrant immediate legal action or whether he can stagger his lawsuits to accommodate his physical restrictions and limited legal resources.

In any event, because petitioner has made no allegations from which an inference may be drawn that he has been injured by respondents' policy that limits inmates to four postage-paid envelopes and a small pad of paper and requires them to pay for their own photocopies, petitioner's request for leave to proceed in this action in forma pauperis will be denied for petitioner's failure to state a claim of a violation of his constitutional right of access to the

courts.

ORDER

IT IS ORDERED that

1. Petitioner's request for leave to proceed in forma pauperis is DENIED and this case is DISMISSED for petitioner's failure to state a claim upon which relief may be granted;
2. The unpaid balance of petitioner's filing fee is \$150; this amount is to be paid in monthly payments according to 28 U.S.C. § 1915(b)(2);
3. A second strike will be recorded against petitioner pursuant to § 1915(g); and
4. The clerk of court is directed to close the file.

Entered this 2nd day of December, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge