

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

ANDRE CALMESE,

Plaintiff,

v.

PROB. OFF. CRAIG LEFFLER;
SUP'S DIANNE BINK and DIONNE BOEDEKER;
WARDEN JOHN HUSZ; and
REGIONAL CHIEF JAN CUMMINGS,

Defendants.

MEMORANDUM

04-C-946-C

Plaintiff Andre Calmese has written a letter to the court asking for information about the status of his case, requesting that copies of all communications be sent to him at his new address, 1416 Main St., #4, Stevens Point, WI, 54481, and indicating his desire to have his case “referred to the United States Attorney for an investigation and criminal prosecution.” According to plaintiff, although he has retained counsel to represent him in the case, his “so-called legal representative” has not responded to his questions about the status of his case.

Ordinarily, when a party is represented by counsel, that party is not permitted to communicate with the court directly about his case. Instead, he is to work with his lawyer

and allow his lawyer to file only those motions, documents, and other papers that in his or her professional judgment are appropriate to file in the case. On March 10, 2005, Reed Cornia, a member of the law firm of Delyea & Cornia, LLC, entered an appearance as counsel for plaintiff. On March 17, 2005, plaintiff's lawyer participated in a telephonic preliminary pretrial conference, at which time Magistrate Judge Stephen Crocker scheduled a trial date and established deadlines for completing discovery, naming witnesses and filing dispositive motions. Those deadlines have not yet passed, so the record is devoid of evidence that plaintiff's counsel has abandoned his representation of plaintiff. Nevertheless, I cannot completely ignore plaintiff's representations in his letter that his lawyer has not kept him informed about the status of his case or responded to his inquiries.

Accordingly, I am requesting counsel for plaintiff to advise the court in writing no later than September 21, 2005, whether he is actively pursuing plaintiff's case and communicating with plaintiff as necessary in order to properly protect his interests.

Entered this 14th day of September, 2005.

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