

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

ANDREW BIGBEE,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

ORDER

05-C-66-C

Presently before the court in this case are defendant's motion for entry of judgment and plaintiff's request for seven blank subpoena forms. In its motion, defendant requests that the court enter judgment in favor of plaintiff in the amount of \$313.67 less the costs it incurred after it made an offer of judgment to plaintiff in this amount on February 27, 2006. Fed. R. Civ. P. 68(a). Plaintiff requested \$313.67 as compensatory damages in his complaint, along with his costs and \$1,500.00 in "legal fees."

It is highly likely that defendant's motion will be granted. Defendant has moved to have judgment entered against it in the full amount to which plaintiff is entitled under the Federal Tort Claims Act. I assume that plaintiff's request for "legal fees" is a request for attorney fees. That request would have to be denied because prevailing pro se litigants are

not entitled to attorney fees. Redding v. Fairman, 717 F.2d 1105, 1120 (7th Cir. 1983). Moreover, plaintiff's request for costs would be determined after entry of judgment. 28 U.S.C. § 1920.

Nonetheless, I will give plaintiff a short time to respond to defendant's motion. If judgment is entered against defendant, plaintiff may submit a bill of costs to the clerk of court. Also, because it is likely that defendant's motion will be granted, plaintiff's request for subpoena forms will be denied at this time.

IT IS ORDERED that plaintiff may have until April 3, 2006 to respond to defendant's motion for entry of judgment. There is no need for a reply.

Entered this 20th day of March, 2006.

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