

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

KURT W. MEYER,

Plaintiff,

v.

MARK TESLIK,

Defendant.

ORDER

05-C-269-C

This is a prisoner civil rights lawsuit in which plaintiff, an inmate at New Lisbon Correctional Institution, claims that defendant, the chaplain at NLCI, violated his constitutional and statutory rights to practice his religion because defendant failed for three months to act on plaintiff's request to participate in NLCI's Native American religious services.

Before the court is plaintiff's motion to compel discovery. Plaintiff wants defendant to provide him with information that allows him to locate two potential witnesses: (1) inmate Kenneth Munson, and (2) plaintiff's cell mate during July 2004, whose name plaintiff cannot recall. *See* dkt. 15. Defendant responds that: (1) Munson was paroled on September 27, 2005, but plaintiff should be able to obtain, *via* a direct request to NLCI, either Munson's forwarding address or contact information for Munson's parole officer; and (2) the Wisconsin Department of Corrections has no way to identify or locate plaintiff's former cell mate without hand-checking over 20,000 inmate "face cards," which are filed by name.

At this point, I will deny both parts of plaintiff's motion. Starting with the second request, the burden of hand-searching 20,000 face cards is extreme, and there is no proffer from plaintiff as to the relevance of his former cell mate to this lawsuit. So as not to mislead plaintiff

into filing a supplement to this part of his motion, it is difficult to imagine a situation in which this unknown cell mate would have information so valuable that it would outweigh the extraordinary burden of identifying and locating him. If, however, plaintiff manages to refresh his recollection as to his cell mate's name (*someone* on Unit B must remember), then he may resubmit his request to defendant. If defendant then switches gears and, for security or other policy reasons, declines to provide the information that would allow plaintiff to contact this person, then plaintiff will have to file a new motion to compel that explains the relevance of this witness to his case.

As for part one of the motion to compel, if NLCI actually will honor a request for Munson's contact information, then plaintiff's discovery concern evaporates. If instead NLCI were to invoke some policy to decline to provide this information, then plaintiff will have to file a new motion to compel that explains the relevance of this witness to his case.

At this point, the court will not order defendant or the DOC to do anything. Therefore, it is ORDERED that plaintiff's current motion to compel is DENIED.

Entered this 21st day of October, 2005.

BY THE COURT:
/s/
STEPHEN L. CROCKER
Magistrate Judge