

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

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JONATHON M. MARK,

Plaintiff,

ORDER

v.

05-C-279-C

Off. GUSTAFSON; Sgt. McARTHER;  
Lt. DOHMS; Unit Manager DOUGHERTY;  
Mr. BROWN (head of PRC); STEPHEN  
M. PUCKETT,

Defendants.

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Plaintiff is presently prosecuting an appeal in the Court of Appeals for the Seventh Circuit from this court's judgment entered on August 31, 2006. He was not incarcerated at the time he filed his notice of appeal. Now, however, plaintiff has filed an untitled document in which he states he was arrested on December 21, 2006, a parole hold was placed on him and he has been incarcerated at the Fond du Lac County jail ever since.

Plaintiff complains that he does not have his case file for this case and that he has exhausted “all available means” to retrieve it. He states that eventually, he will be moved to the Dodge Correctional Institution, possibly within the next two weeks. In the meantime, he states that he does not have access to the rules governing his appeal. Apparently, he wants this court to provide him with the Federal Rules of Appellate Procedure. In addition, he asks that this court make a copy of the entire file free of charge.

First, this court does not have copies of the Federal Rules of Appellate Procedure available for distribution to members of the public. Moreover, plaintiff does not suggest that he has asked jail officials at the Fond du Lac county jail to allow him access to the rules and had the request denied. Nor does plaintiff suggest that the court of appeals has asked him to comply with a particular rule and that he needs to refer to the rule in order to determine how to proceed. If the court of appeals has asked plaintiff to comply with a particular rule and plaintiff does not know how to respond, he is free to ask the court of appeals for additional information or for more time to comply until he reaches the Dodge Correctional Institution and has access to the rules in the prison library there.

With respect to plaintiff’s request for a copy of the entire file of this case, I note that the file is approximately six inches thick, containing hundreds of pages of documents. Ordinarily, it is the policy of this court to require indigent persons to pay 10 cents per page for photocopies. In addition, where, as here, the request is for a substantial number of

copies, the court requires some justification for producing every document in the record before it will divert limited court staff resources to such a task. Therefore, I am enclosing a copy of the docket sheet in this case to plaintiff for his review. If he is unable to secure his copy of the case file from some other source, he should adhere to the following procedure.

First, if plaintiff has access to a computer in the law library at the Dodge Correctional Institution, he may be able to get copies of certain documents in his file that have been filed electronically. If he visits <http://www.wiwd.uscourts.gov> and clicks on the link for “opinion search,” he can type “Jonathon Mark” in the spot designated for searching for text. There, he will find at least three opinions that have published to the court’s website in this case. With respect to documents that are not available electronically, plaintiff should indicate on the enclosed document sheet which documents he wishes to purchase and return the sheet, together with a trust fund account statement, to the court. In addition, plaintiff should include a statement indicating why he believes each document is necessary to allow him to prosecute his appeal. Upon receipt of these documents, the court will reconsider plaintiff’s request.

#### ORDER

IT IS ORDERED that plaintiff’s request for a copy of the Federal Rules of Appellate

Procedure is DENIED.

Further, IT IS ORDERED that plaintiff's request for free copies of the documents in his case file is DENIED without prejudice.

Entered this 31st day of January, 2007.

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