

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

THOMAS W. REIMANN,

Plaintiff,

v.

DAVID ROCK, JOHN PAQUIN,
MS. TIERNEY, CATHERINE
FERREY and LIZZIE TEGELS,

Defendants.

ORDER

05-C-501-C

In an order dated December 1, 2005, I denied plaintiff's motion to amend his complaint without prejudice to his refiling the proposed amended complaint in a form that allows the court to assess efficiently what changes plaintiff is proposing to make to his original complaint. In addition, I denied plaintiff's motion for appointment of counsel. Now plaintiff has filed a motion for reconsideration of those decisions. Plaintiff argues that he cannot prepare a proposed amended complaint that clearly identifies the changes he wishes to make to his original complaint because he cannot afford to make a copy of the original complaint and the amended complaint. According to plaintiff, the Stanley Correctional Institution is implementing a policy, "SCI Policy 305.04," which "trumps and

supersedes § DOC 309.51 [the legal loan statute].” Plaintiff’s lack of resources also appears to stand as the ground on which plaintiff seeks reconsideration of the decision to deny him appointed counsel.

Plaintiff has not supported his motion for reconsideration with a copy of SCI Policy 305.04, so I cannot find, as plaintiff urges, that the state is physically preventing him from prosecuting this action. All plaintiff says is that SCI 305.04 fixes to 10 a month the number of white envelopes he can use for legal work and to 5 a month the number of large manila envelopes he can have. In addition, plaintiff says the policy precludes the use of legal loan funds for carbon paper. Finally, plaintiff has attached to an affidavit copies of an inmate complaint he wrote after he was denied a legal loan on the ground that he had “sufficient incoming funds and/or payroll earnings to address [his] basic legal needs.” In sum, it appears that plaintiff is contending that his present difficulty in prosecuting this lawsuit is financial. He appears to believe he is entitled to legal loan money and surmises that without a lawyer to help him foot the bill for this lawsuit, he will be unable to file the number and type of motions he wants to file.

Unfortunately, plaintiff has no constitutional entitlement to a subsidy so that he can prosecute this lawsuit. Lindell v. McCallum, 352 F. 3d 1107, 1111 (7th Cir. 2003). That he has chosen to litigate without anticipating and preparing for the inevitable costs of prosecuting a civil suit or filing subsequent motions does not justify appointing him counsel.

Plaintiff will have to do the best he can with the limited resources he has. If this means that he has to hand copy his filings rather than have them photocopied or carbon copied, that is what he will have to do.

Plaintiff Reimann appears to be an able litigant. He raised multiple constitutional claims in his original complaint and appears to be familiar with the law relating to those claims. Although certain of his motions have been denied, the rulings were based on the merits of the motion and not any shortcoming in plaintiff's inability to present his arguments clearly. Indeed, plaintiff's presentation of his arguments are better crafted than those of most pro se litigants. I have no doubt that he is capable of performing all technical aspects of prosecuting his lawsuit, such as conducting discovery, collecting admissible evidence, and following court procedures. Despite his protestations about lacking funds with which to prepare a proper proposed amended complaint, I note that plaintiff's motion for reconsideration and supporting affidavits are made up of 13 pages of material, and that he sent duplicates of his motion and supporting papers to the court in a total of three envelopes. Plaintiff does not explain why he could not have marshaled these same resources toward the preparation and mailing of his amended complaint. Like any other civil litigant, plaintiff will have to take responsibility for deciding which of his motions or responses to his opponent's motions are important enough to fund. Lucien v. DeTella, 141 F.3d 773, 774 (7th Cir. 1998).

ORDER

IT IS ORDERED that plaintiff's motion for reconsideration of the order entered in this case on December 1, 2005, is DENIED.

Entered this 20th day of December, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge