

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

JAMES JENKINS,

Plaintiff,

v.

FREDDRICK WILSON and
MR. BANKSON, Dane County Deputy Sheriffs,

Defendants.

ORDER

05-C-609-C

This case is scheduled for trial for the week beginning October 30, 2006. Now plaintiff has written to the court to ask for two subpoena forms. In addition, plaintiff asks the court to explain how he might obtain addresses for a Darrial Cross and an Andre Smith, who plaintiff says were incarcerated at the Dane County jail at the time plaintiff was incarcerated there. Plaintiff believes that Darrial Cross has been taken to a federal prison and that Andre Smith is in the custody of the state of Wisconsin.

As an initial matter, I note that plaintiff does not indicate that he has served a copy of his letter on John Moore, counsel for the defendants, as he is required to do. Therefore, I am enclosing a copy of the letter to Mr. Moore with a copy of this order. Plaintiff is

reminded that if in the future he submits a communication to the court that does not show clearly that he has mailed a copy to counsel for defendants, the communication will not be considered.

Plaintiff's request for subpoena forms will be denied without prejudice to his filing a new request in compliance with this court's "Procedures for Calling Witnesses to Trial." Because those procedures have been revised since the parties received them as an attachment to Magistrate Judge Stephen Crocker's preliminary pretrial conference order dated February 9, 2006, I am enclosing to both parties a copy of the new procedures. Plaintiff should note in particular that if his request for subpoenas is granted, he will be required to arrange for service of the subpoenas and provide to any person to be subpoenaed the fees for one day's attendance at trial, the mileage allowed by law, and the costs of food and lodging if an overnight stay is required. This requirement applies to plaintiff even though he is indigent. McNeil v. Lowney, 831 F.2d 1368, 1373 (7th Cir. 1987); 28 U.S.C. § 1915(d) (witnesses shall attend as in other cases . . ."). Current rates for daily witness fees is \$40, mileage is \$.44.5 per mile, and the per diem or room and meal rate for Madison is \$134.

Plaintiff also requests information about the whereabouts of inmates Cross and Smith, who I presume may be potential witnesses to the incident at issue in this case. The whereabouts of these inmates is readily available from inmate locator web sites on the Internet. Those sites reveal that Darriell Cross is presently confined at the Federal

Correctional Institution in Pekin, IL (the address for the institution is P.O. Box 5000, Pekin, IL, 61555), and Andre Smith is presently confined at the Oshkosh Correctional Institution, P.O. Box 3310, Oshkosh, WI 54903-3310.

ORDER

IT IS ORDERED that plaintiff's request for the issuance of two subpoena forms is DENIED without prejudice.

Entered this 9th day of August, 2006.

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