

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

TITUS HENDERSON,

Plaintiff,

v.

MATTHEW FRANK; PETER HUIBREGTSE; BRIAN
KOOL; TRACEY GERBER; J. STARKY; RUSSELL
BAUSCH; ROBERT SHANNON; TODD OVERBO;
DICK VERHAGEN; and RICHARD
SCHNEITER,

Defendants.

ORDER

06-C-12-C

In an order dated July 26, 2006, Magistrate Judge Crocker denied plaintiff Titus Henderson's Rule 37 motion to compel. Now plaintiff has moved for reconsideration of Judge Crocker's order. In addition, plaintiff has written a letter dated July 30, 2006 accompanying his motion for reconsideration in which he (1) states that he "never wanted Judge Crocker to hear any motions concerning [his] civil complaint" and (2) complains that defendants Tracey Gerber and Brian Kool have denied him "the right to correspond with AA Gen. Velasquez."

With respect to plaintiff's motion for reconsideration of Judge Crocker's July 26, 2006

decision, 28 U.S.C. § 636(b)(1)(A) provides that a “judge of the court may reconsider any pretrial matter under this subparagraph (A) where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law.” In the July 26 order, Judge Crocker denied plaintiff’s motion to compel because he did not identify “any specific problem with any interrogatory or request for admission,” opting instead to assert “an over-arching objection that the [defendants’] answers are evasive and incomplete without bothering to explain why he thinks the answers are not complete.” Order, dkt. #30, at 2. Similarly, with respect to plaintiff’s complaint about defendants’ production of documents, Judge Crocker concluded that plaintiff had not identified “by number which of his discovery requests called for the production of such documents or identif[ied] which of defendants’ responses are deficient and why.” Id.

Nothing in plaintiff’s motion for reconsideration indicates that Judge Crocker’s denial of his motion to compel was clearly erroneous or contrary to law. Plaintiff argues that defendants’ responses were not sworn but the Federal Rules of Civil Procedure do not require a party’s responses to interrogatories, requests for production or requests for admission to be sworn. Moreover, as Judge Crocker indicated, an answer to a discovery request is not evasive or incomplete just because plaintiff says it is. Generalized statements of incompleteness or evasiveness are insufficient to obtain relief from the court; plaintiff “must identify the specific reasons why he thinks he is entitled to such relief.” Order, dkt. #30,

at 2. Because plaintiff has not shown that Judge Crocker's July 26 order was clearly erroneous or contrary to law, his motion for reconsideration will be denied.

Moving on to plaintiff's concerns in his letter, I will take no action with respect to plaintiff's objection allowing to Judge Crocker to rule on discovery disputes in this case. Pursuant to 28 U.S.C. § 636(b)(1)(A), Judge Crocker has been delegated the responsibility for resolving discovery disputes that arise in cases pending in this court. Plaintiff suggests no reason why Judge Crocker is unable to fulfill his responsibilities in a competent and professional manner and his mere wish to have Judge Crocker removed is insufficient.

Plaintiff's complaint about not being able to correspond with Assistant Attorney General Adrian Dresel-Velasquez is similarly unfounded. Plaintiff attached to his motion for reconsideration copies of two disbursement requests in which he requested postage for letters to be sent to the attorney general's office. In each request, plaintiff lists Velasquez's name and address. The documents indicate that the first request, dated July 5, 2006, was approved but the second request, dated July 16, 2006, was not approved because the business office at the Wisconsin Secure Program Facility could not find Velasquez on its list of lawyers working in the attorney general's office. The disbursement officer asked plaintiff to "please provide documentation." Instead, plaintiff filed a complaint about the disapproval, a copy of which is attached to his motion for reconsideration. Also attached is the July 18, 2006, response to plaintiff's complaint about the disapproval, which provides

as follows:

DOC 309 IMP 29 allows first class mail to authorized attorneys. I have attempted, using several resources, to find AAG Adrian Velasquez's information and have not been able to retrieve any. If you have documentation with his name and address, please provide it and your mailings can be sent out. Your documentation will be returned to you. Until verification is made, I am obligated to disapprove your request.

Mot. for Reconsideration, dkt. #31, exh. 3. Both responses show that plaintiff is not being prevented from communicating with attorney Dresel-Velasquez. According to the response, all plaintiff needs to do is provide the business office with any of the filings in this case that bear Dresel-Velasquez's name, title and address or any correspondence he has received from Dresel-Velasquez concerning this case and his disbursement request will be approved. Such documents exist in the record of this case, copies of which would be in plaintiff's record. No further action from this court is required.

ORDER

IT IS ORDERED that plaintiff Titus Henderson's motion for reconsideration of Magistrate Judge Crocker's July 26, 2006 order denying plaintiff's motion to compel is DENIED.

Entered this 8th day of August, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge