

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

KENNETH VALENTINE AWE,

Plaintiff,

v.

KEITH GOVIER, Grant County Sheriff,

Defendant.

ORDER

06-C-162-C

In this civil action plaintiff Kenneth Awe is proceeding on a claim that defendant Keith Govier violated his right to equal protection by promulgating and enforcing a jail policy that arbitrarily permits some inmates to own a television while denying others the same privilege. Today, defendant has filed a motion for summary judgment which will be briefed in accordance with the schedule established in the magistrate judge's July 14, 2006 preliminary pretrial conference order. However, before defendant filed his motion, plaintiff wrote to the court on October 23 to complain that prison officials were denying him the services of a notary. I construe plaintiff's submission as a motion for an order directing prison officials to make a notary available to him. The motion will be denied.

From the document accompanying plaintiff's motion, it appears that plaintiff wanted

a notary to verify his signature on answers to defendant's first set of interrogatories that he was attempting to provide under oath as Fed. R. Civ. P. 33 requires. However, 28 U.S.C. §1746 provides an alternative to notary services. According to that statute, sworn statements are admissible in evidence in federal court if they contain the signature and seal of a notary public that is provided upon the signing of the document, or if the signer makes a declaration at the completion of his statement that includes the following sentence followed by a signature: "I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date)." See.

Because plaintiff is free to declare under penalty of perjury that his answers to defendant's first set of interrogatories are true and correct, he will suffer no injury if prison officials fail to provide him the services of a notary. Accordingly, IT IS ORDERED that plaintiff's motion for an order directing prison officials to make a notary available to him is DENIED.

Entered this 26th day of October, 2006.

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