

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

JOSEPH VAN PATTEN,

Plaintiff,

v.

ORDER

06-C-374-C

D.O.C., MATTHEW FRANK,
WARDEN DEPPISCH,
JOSEPH LADWIG and DR. LUY,

Defendants.

Plaintiff Joseph Van Patten is proceeding in this action on claims that defendants Luy, Deppisch and Frank exhibited deliberate indifference to his serious medical needs by failing for nine months to provide him with appropriate care for a broken leg he sustained in December 2004, and that defendant Ladwig exhibited deliberate indifference to his serious medical needs by forcing him to walk a half mile on his broken leg in order to obtain treatment. A preliminary pretrial conference has been held at which a trial date was set and a schedule established for conducting discovery, identifying witnesses and filing dispositive motions. Now plaintiff has submitted a letter dated December 21, 2006, which I construe as a motion for an order directing prison officials to allow him to keep in his possession papers relating to this lawsuit and to respond more quickly to his requests for postage.

From the documents plaintiff has attached to his motion, it is not possible to tell how prison officials might be causing him problems. Indeed, it appears that plaintiff may be having difficulty understanding proper procedures or that he wishes the rules bent to accommodate his wishes. For example, from plaintiff's exhibit 1 attached to his motion, it appears that inmates at the Shawano County jail are allowed to possess "items, defined as appropriate . . . (i.e. legal, religious, etc.)" that will fit in the inmate's "bin." Further, jail officials have agreed to allow plaintiff to "review, audit or exchange" property and "keep whatever paperwork allowed by policy in your bin." Plaintiff does not indicate that the bin is too small to allow him to have in his possession at any one time the particular documents he needs to prepare discovery or begin work on a dispositive motion. In the absence of such a showing, court intervention is inappropriate.

With respect to plaintiff's demands for copies, it appears that he made a vague request for "double copies" and was asked to clarify that request. In addition, he asked for envelopes for legal mail and was advised to provide the names and addresses to be placed on the envelopes. He asked on December 24, 2006 to use a copy of the Federal Rules of Civil Procedure and was advised that he should make another request on Monday, December 25 when "there should be time . . . for you to use them." Twice, plaintiff complained that he was "forced to have to give my court documents to CO Lohrentz or CO Minnecheske to view before they would send out these documents on 12/22/06?" Twice, the response to his complaint was

You have not been denied and, if memory serves, I provided you with two (2) addressed envelopes. At that time I explained that you need to enclose and seal your communications and have them returned to Clerk Karen Peters for postage (for which your account will be debited). I did not say anyone needed to review the communications as, frankly, we do not believe it to be a security risk and, therefore, are uninterested.

In sum, plaintiff's submissions concerning his ability to get copies or mail letters or possess documents do not show that he is being prevented from litigating this case.

ORDER

IT IS ORDERED that plaintiff's motion for an order directing prison officials to allow him to keep in his possession papers relating to this lawsuit and to respond more quickly to his requests for postage is DENIED.

Entered this 3d day of January, 2007.

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