

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

FRANCISCO M. RUIZ,

Plaintiff,

v.

GLEN HEINZL, M.D.;
CANDACE WARNER, RN, BSN, HSM;
WARDEN TIMOTHY LUNDQUIST;
SECRETARY MATTHEW FRANK;
RICK RAEMISCH;
SANDRA HAUTAMAKI;
SHARON ZUNKER; and
MILDRED PARISE,

Defendants.

MEMORANDUM

06-C-478-C

On October 6, 2006, I granted plaintiff Francisco Ruiz leave to proceed in forma pauperis on his claim that defendants are violating his Eighth Amendment right to be free from cruel and unusual punishment by enforcing a medication policy denying treatment to inmates who have been diagnosed with genotype 1 hepatitis C and are within 18 months of their mandatory release date. In the order granting plaintiff leave to proceed, I told him that for the remainder of this lawsuit, he is required to send defendants a copy of every paper or

document that he files with the court until he learns the name of the lawyer who will be representing the defendants, at which time he should begin serving the lawyer directly rather than the defendants. I told plaintiff that I would disregard any documents he submitted unless he showed on the court's copy that he sent a copy to the defendants or defendants' lawyer.

Now plaintiff has submitted a document dated October 12, 2006 and titled "A petition for Representation of Counsel in 42 U.S.C. § 1983 Civil Rights Action," which I construe as a motion for appointment of counsel. Unfortunately, I cannot consider the motion at this time because plaintiff has not served it on the defendants as he is required to do. Instead, he has written a letter to the clerk of court asking the clerk to photocopy and forward the copies to the defendants for him. That request will be denied. It is plaintiff's responsibility and not the court's to pay for photocopying and mailing his submissions to the opposing party. If plaintiff does not have the means to pay the costs of photocopying his motion, he is free to handcopy it.

In summary, plaintiff's motion will be placed in the court's file but no action will be taken with respect to it until plaintiff notifies the court that he has served an identical copy of the motion on Adrian Dresel-Velazquez, who entered a notice of appearance in the record as defendants' lawyer on October 17, 2006.

One further matter requires attention. When plaintiff filed his complaint in this

court, he was incarcerated at the New Lisbon Correctional Institution. The envelope bearing plaintiff's motion shows a new return address for plaintiff at the Oakhill Correctional Institution, P.O. Box 938, Oregon, Wisconsin, 53575. The court has updated its records. However, plaintiff should be aware that it is his responsibility to draw the court and opposing counsel's attention to any future change in his address and to do so promptly so that orders rendered by the court and submissions filed by the defendants will reach him in a timely manner. In this instance, it was simple luck that the clerk opening plaintiff's mail noticed the change. Because the court's October 6, 2006 order may not have been re-routed to reach plaintiff, I am enclosing another copy to him with a copy of this memorandum.

Entered this 26th day of October, 2006.

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