

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

JOHNSON W. GREYBUFFALO,
#229871,

Plaintiff,

MEMORANDUM

v.

06-C-504-C

PHIL KINGSTON, in his individual and
official capacities as Warden of Waupun
Correctional Institution;
BRUCE MURASKI, in his individual and
official capacities;
CYNTHIA CLOUGH, in her individual and
official capacities;
CORRECTIONAL OFFICER BRET MIERZEJEWSKI,
in his individual and official capacities; and
WILLIAM SCHULTZ, in his individual
and official capacities,

Defendants.

Judgment was entered in this case on September 19, 2007, granting the motion of
defendants Mierzejewski, Muraski, Clough, Schultz and Kingston for summary judgment
with respect to plaintiff Greybuffalo's claim that defendants violated his right to free speech
by censoring a document including a code of ethics of the Warrior's Society. Also, judgment

was entered granting plaintiff's motion for summary judgment with respect to his claim that defendants violated his right to free speech by censoring a document that included the initials "A.I.M."

On October 11, 2007, plaintiff filed a bill of costs to recover fees and costs associated with litigating his case. Attached as proof of the costs plaintiff incurred are copies of disbursement request slips dating from September, 2006 to July, 2007. The cover letter and bill of costs indicate that the documents were sent to the court only. However, plaintiff also included with his bill of costs a copy of a letter he addressed to Assistant Attorney General David Hoel and an affidavit explaining his reason for not serving defendants with his bill of costs. In his affidavit, plaintiff states that on October 8, 2007, he submitted "the completed Bill of Costs for[m] and attached Exhibits, to the 3rd shift Sgt. with a Request for Photocopies and required Disbursement Request for \$1.35 for 9 copies." Early the next morning, plaintiff's submission was returned to him because his request could not be filled. The officer's explanation was that the originals were "attached together w/a foreign substance causing machine to jam." My examination of the attachments reveals that plaintiff fastened the copies of disbursement request slips to 8 1/2" x 11" paper with a glue stick. His submission is neat and organized and presented no unreasonable copying challenge to court staff. Whatever difficulty prison staff faced is not evident from plaintiff's submission. Therefore, I am including with defendants' copy of this order copies of plaintiff's bill of costs

and his cover letter dated October 9, 2007.

Shortly after plaintiff filed his bill of costs with the court, defendants filed an objection to taxation of costs. In the objection, defendants contend that plaintiff's bill of costs should not be considered in light of his failure to serve his submission on defendants. Defendants do not address at all the reasonableness of prison staff actions in refusing to make copies of plaintiff's documents. This is curious. Defendants could have chosen a more constructive course of action by investigating plaintiff's concerns about his inability to obtain copies for the weak reason prison officials advanced. Instead, they have filed a brief that focuses almost exclusively on an argument that has been mooted by the court's decision to make a copy of plaintiff's bill of costs for them. Because defendants' brief is insubstantial in its content, I will disregard it. Briefing on the bill of costs shall proceed as follows:

Defendants may have until October 29, 2007, in which to serve and file serious objections. Plaintiff may have until November 8, 2007, in which to serve and file a brief in

support. Defendants may have until November 13, 2007, in which to serve and file a reply.

Entered this 18th day of October, 2007.

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