

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

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NATHANIEL ALLEN LINDELL,

Plaintiff,

v.

RICHARD SCHNEITER, GARY BOUGHTON,  
PETER HUIBREGTSE, RICK RAEMISCH,  
SANDRA HAUTAMAKI, ELLEN RAY, GERALD  
BERGE, CAPTAIN MONICA HORNER, THOMAS  
CRAVENS and SGT. STEVEN WRIGHT,

Defendants.  
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ORDER

06-C-608-C

Plaintiff has filed a document titled "Lindell's Notice & Motion to Appoint Counsel, Compel Defendants to Provide Lindell with Access to Litigation Supplies for this Alter the Scheduling of this Case or Alternatively Dismiss the Eighth Amendment Claims without Prejudice with the Condition they be Reinstated if the 7th Circuit Determines Counsel Should Have Been Appointed, With Affidavit and Brief in Support." I construe this motion to be a motion 1) for reconsideration of this court's order of March 14, 2007, denying plaintiff's motion for appointment of counsel and for an order requiring defendants to provide plaintiff with a legal loan; or 2) in the alternative, to alter the trial date and

deadlines established in Magistrate Judge Stephen Crocker's February 23, 2007 preliminary pretrial conference order; or 3) in the alternative, for voluntary dismissal of plaintiff's Eighth Amendment claim without prejudice.

Nothing in plaintiff's motion for reconsideration persuades me that I erred in denying his motion for appointment of counsel. Except for the alleged difficulties plaintiff is having obtaining a legal loan for paper and litigation supplies, plaintiff admits that he is capable of prosecuting this case on his own. As for plaintiff's inability to meet the indigency standard necessary to qualify for a legal loan under Wis. Admin. Code § DOC 309.51, I have already expressed my view that it is not improper under the unique circumstances of this case for prison officials to require plaintiff to be destitute for six months before advancing him additional legal loans. Therefore, the motion for reconsideration will be denied.

Plaintiff moves alternatively for adjustment of the scheduling order in this case to extend the trial date by at least three months and modify all of the other deadlines accordingly. Apparently, plaintiff believes that under this new schedule, he will be able to garner the resources necessary to prosecute his claims. I am inclined to grant this request.

I understand and have left undisturbed defendants' decision not to qualify plaintiff for legal loan funds until he has been destitute for six months because he chose to spend on commissary items \$8 of an undisclosed monetary settlement he received instead of repaying the loans. However, that decision is not without consequence. If plaintiff believes he can

satisfactorily prosecute his claims so long as this court is willing to ease the pace of the litigation, I believe it is in the interest of justice to accommodate his request.

Because I am granting plaintiff's motion to extend the deadlines established in this case and reset the trial date, plaintiff's alternative motion for voluntary dismissal of his claims without prejudice will be denied as moot.

### ORDER

IT IS ORDERED that plaintiff's motion for reconsideration of this court's March 14, 2007, order denying his motion for appointment of counsel and for an order requiring defendants to provide plaintiff with a legal loan is DENIED.

Further, IT IS ORDERED that plaintiff's alternative motion to alter the trial date and deadlines established in Magistrate Judge Stephen Crocker's February 23, 2007 preliminary pretrial conference order is GRANTED. The clerk of court is requested to schedule a telephonic conference before the magistrate judge at which the trial date and other deadlines may be extended for at least three months.

Finally, IT IS ORDERED that plaintiff's alternative motion for voluntary dismissal

of his Eighth Amendment claims without prejudice is DENIED as moot.

Entered this 13th day of April, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge