

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

RODNEY C. MOORE,

Plaintiff,

ORDER

v.

09-cv-023-slc

TIM ZIGLER, JEREMY WRIGHT and
TOM SPEECH,

Defendants.

In this case plaintiff was allowed to proceed *in forma pauperis* on his claim that defendants Tim Zigler, Jeremy Wright and Tom Speech violated his Eighth Amendment rights by failing to protect him from an assault by his cell mate. Now plaintiff has filed a request for an extension of his legal loan limit because he has “2 active writs, this suit and a post-conviction relief motion to file.”

Under Wis. Admin. Code § DOC 309.51, an inmate’s “loan limit may be exceeded with the superintendent’s approval if the inmate demonstrates an extraordinary need, such as a court order requiring submission of specified documents.” Whether plaintiff can convince prison officials to find extraordinary circumstances warranting an extension of this legal loan limit is not a matter in which this court will interfere. In *Lindell v. McCallum*, 352 F.3d 1107, 1111 (7th Cir. 2003), the Court of Appeals for the Seventh Circuit held that the federal district courts in Wisconsin are under no obligation to order the state of Wisconsin to lend prisoners more money or paper than they are authorized to receive under § DOC 309.51. Therefore plaintiff’s motion for an extension of his legal loan limit will be denied.

In any event, plaintiff has not indicated that he has made an application to his institution for an extension of his legal loan limit, so this may very well be a course of action he wishes to pursue. Otherwise, plaintiff must, like any other person on a tight budget, make careful choices about how he uses his legal loan resources. In particular, he may want to rethink the necessity of corresponding so often with the court in this case. There is nothing that plaintiff needs to do in this case at this time. After defendants answer the complaint, I will schedule a preliminary pretrial conference at which I will discuss future proceedings in this case.

ORDER

IT IS ORDERED that plaintiff's motion for a legal loan extension, dkt. #29, is DENIED.

Entered this 31st day of March, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge