

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

LEIGHTON DWIGHT LINDSEY,

Plaintiff,

v.

CAPTAIN SALTZER, RYAN ARMSON
and JOSEPH CHICANOWICZ,

Defendants.

ORDER

10-cv-385-bbc

Plaintiff, a prisoner presently confined at the Wisconsin Secure Program Facility in Boscobel, Wisconsin, is proceeding in this case on his claims that defendants used excessive force against him in violation of his rights under the Eighth Amendment. Now before the court is plaintiff's motion for use of the law library, dkt. 53. Plaintiff's motion will be denied.

In his motion for use of the law library, plaintiff asks the court for an order directing the Wisconsin Secure Program Facility to allow him additional use of the law library since he is only allowed access once a week. Plaintiff also states that he had been without access for an entire month because he was in segregation. This court does not have any authority to act as a general reviewer of a prison's internal policies. The court's role is limited to protecting an inmate from an unconstitutional interference with his right to petition the courts, and to vindicating the court's own case management procedures.

Plaintiff's motion raises no constitutional concerns because none of the challenged practices prevented petitioner from filing his initial complaint. The Constitution guarantees a prisoner litigant no more than the right to file a sufficiently-pled grievance with a court. *Lewis v. Casey*, 518 U.S. 343 (1996). Where, as here, plaintiff succeeds in filing a complaint that triggers substantive judicial review of his claims, then he has successfully exercised his right of

access to the courts, and that's the end of it; the Constitution entitles him to nothing further. So although a prison must provide legal resources sufficient to allow a prisoner properly to plead his § 1983 civil suit, it has no constitutional obligation to provide legal resources that would enable that prisoner to litigate his suit effectively once it has been filed. *Lewis*, 518 U.S. at 354. *See also Smith v. Shawnee Library System*, 60 F.3d 317, 322 (7th Cir. 1995)(right of access to courts does not require state to provide assistance beyond pleading stage).

In his motion, plaintiff says that he “may not be able to prepare for the defendants (summary judgment)”. As plaintiff is aware, the dispositive motion deadline of June 13, 2011 has passed. Neither side has filed any dispositive motions so this case will now be decided at trial. Plaintiff should refer to the pretrial conference order entered on November 19, 2010 for the remaining deadlines in this case so that he may prepare for trial. As an additional note, plaintiff should be aware that his inability to make frequent trips to the law library should not interfere with his ability to litigate his case. Rather, it is the factual evidence plaintiff gathers in discovery that will be most important in determining the success or failure of his claims.

ORDER

IT IS ORDERED that plaintiff Leighton Lindsey's motion for use of the law library, dkt. 53, is DENIED.

Entered this 16th day of June, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge