

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

This case is set for trial on November 14, 2011, and plaintiff Leighton Lindsey has filed a slew of documents concerning pretrial matters..

First, plaintiff submits a letter, dkt. 101, asking numerous questions, including whether he will be able to question the jury if he fails to send in proposed voir dire questions, whether jury instructions will still be read if he does not submit proposed instructions and whether a verdict will still be presented to the jury if he does not submit proposed verdict forms. The parties will not be allowed to question the jury directly. The judge conducting voir dire will ask standard questions (attached to the preliminary pretrial conference order in this case) as well as any questions the parties suggest that the judge deems appropriate. As for the jury instructions and verdict, these materials will be presented to the jury whether plaintiff submits proposed materials or not. This is plaintiff's best chance to influence what the instructions and verdict will look like, if he wishes to offer input. Plaintiff also will get a chance object to defendants' proposed materials. If there are particular instructions or portions of the verdict that plaintiff wants to make sure are included, he should send his proposed materials by the November 7, 2011 deadline.

Plaintiff has filed a motion to admit videotape evidence, dkt. 102. This motion will be considered along with the parties' motions in limine after defendants file a response.

Plaintiff has filed a document titled "Deposition Objections by Plaintiff," dkt. 103, in which he objects to defendants' notice of his September 28, 2011 deposition and subpoena duces tecum. He argues that the portion of that document stating "you are required to bring with you any and all documents not already provided to defendants relating in any way whatsoever to your claims in this case" is unduly burdensome to him because he does not have copies of every document connected to the case. In particular, he notes that some documents are in the possession of his jailhouse lawyer. There is nothing in the record indicating whether the deposition went smoothly on the scheduled date, but if it did not, defendants remain entitled to take plaintiff's deposition and see the evidence plaintiff or his jailhouse lawyer has in their possession, and may make discovery motions to that effect if necessary. Plaintiff states also that he does not keep copies of every letter he writes to third parties. He need not worry about tracking down copies of documents that are not in his possession or under his control.

Plaintiff has filed a motion for a two-week extension of the discovery deadline, dkt. 106, stating that prison officials have interfered with his legal mail and withheld copied of legal documents, which has held up his progress. I will grant the parties a one-week extension, but beyond that, plaintiff will have to explain why he needs extra time, providing details about the specific discovery he seeks and why he has not been able to obtain it.

Finally, plaintiff has filed motions stating that prison officials are delaying in mailing copies of his legal documents for him, confiscating documents meant for his jailhouse lawyer and denying him the use of legal loan funds to send out letters to attorneys in order to gain

representation in this case, dkt. 107, 110 & 115. He asks for injunctions forcing prison officials to return his copies two days after plaintiff submits documents for copying (rather than the week it is taking now), to hand over his legal documents to his jailhouse lawyer and allow him to contact outside lawyers using legal loan funds. I will deny each of these motions. First, plaintiff's constitutional rights are not violated by a week-long copying process. Because pretrial deadlines are fast approaching, plaintiff is encouraged to make his copying requests as early as possible so he can get his documents to the court on time. As for his attempts to contact his jailhouse lawyer or outside attorneys, these are issues that have already been rejected by Judge Crabb in her September 30, 2011 order. There is nothing currently in the record suggesting that plaintiff will not be able to fully prosecute his case.

ORDER

IT IS ORDERED that

(1) Plaintiff Leighton Lindsey's motion for an extension of the discovery deadline, dkt. 106, is GRANTED IN PART. The deadline will be extended to October 21, 2011.

(2) Plaintiff's motions for injunctive relief, dkt. 107, 110 & 115, are DENIED.

Entered this 11th day of October, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge