

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

ROBERT HARRY KUNFERMAN,

Plaintiff,

ORDER

10-cv-574-bbc

v.

ROBERT SHAW,

Defendant.

ROBERT HARRY KUNFERMAN,

Plaintiff,

ORDER

10-cv-575-bbc

v.

DAVID A. BACKSTROM,

Defendant.

In an order dated October 5, 2010, this court severed plaintiff Robert Harry Kunferman's second amended complaint filed in Kunferman v. Board of Regents, 09-cv-662-bbc, into three individual cases in accordance with Fed. R. Civ. P. 20. In case number 10-cv-574-bbc, plaintiff contends that defendant Robert Shaw retaliated against him in violation of the First Amendment, and in case number 10-cv-575-bbc, plaintiff contends that defendant David

Backstrom retaliated against him in violation of the First Amendment. In these two cases, plaintiff is proceeding under the in forma pauperis statute without prepayment of costs. In most circumstances, this means that I would screen his claims and dismiss any that are legally frivolous, malicious, fail to state a claim upon which relief may be granted or ask for money damages from a defendant who by law cannot be sued for money damages. 28 U.S.C. § 1915(e)(2)(B).

However, standard screening is not necessary in this case because in deciding defendants' motion to dismiss in case number 09-cv-662-bbc, I concluded that plaintiff's second amended complaint stated claims against defendants Shaw and Backstrom for retaliation. Dkt. #48, 09-cv-662-bbc. With respect to defendant Shaw, plaintiff alleged that when he was a student at the University of Wisconsin Eau Claire, he engaged in political speech and attempted to file an age discrimination complaint with defendant Shaw. In response, Shaw told plaintiff he disapproved of his speech and then filed a baseless disorderly conduct charge against plaintiff. I concluded that such allegations are sufficient to state a claim for retaliation against Shaw.

With respect to defendant Backstrom, plaintiff alleged that Backstrom filed a disorderly conduct charge against him in 2000. On more than thirty occasions, plaintiff requested records that substantiated the charge. In response, Backstrom entered plaintiff's home uninvited and made threatening gestures with a milk jug. I concluded that such allegations are sufficient to state a claim for retaliation against Backstrom. Therefore, plaintiff is granted leave to proceed on his retaliation claims against defendants Shaw and Backstrom.

ORDER

IT IS ORDERED that

1. In case number 10-cv-574-bbc, plaintiff Robert Harry Kunferman is GRANTED leave to proceed on his claim that defendant Robert Shaw retaliated against him in violation of the First Amendment.

2. In case number 10-cv-575-bbc, plaintiff is GRANTED leave to proceed on his claim that defendant David Backstrom retaliated against him in violation of the First Amendment.

3. For the remainder of these lawsuits, plaintiff must send defendants or defendants' attorneys a copy of every paper or document that he files with the court. The court will disregard any documents submitted by plaintiff unless he shows on the court's copy that he has sent a copy to defendants or defendants' attorneys.

4. Plaintiff should keep a copy of all documents for his own files. If plaintiff does not have access to a photocopy machine, he may send out identical handwritten or typed copies of his documents.

Entered this 28th day of October, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge