

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

JACKIE CARTER,

Plaintiff,

v.

DYLON RADTKE and JANEL NICKEL,

Defendants.

ORDER

10-cv-510-wmc

After this court's finding of liability in favor of plaintiff Jackie Carter on his First Amendment claims, a jury awarded plaintiff \$50 in punitive damages against defendant Dylan Radtke and \$100 in punitive damages against defendant Janel Nickel. (Dkt. #156.) While the court indicated that it would be willing to consider ordering equitable relief, plaintiff, to date, has made no such request. Moreover, given defendant Janel Nickel's retirement, it appears that at least some forms of equitable relief would be moot with respect to plaintiff's claims against her. As such, the court's entry of judgment will be limited to the monetary award Carter received after the jury trial.¹

This is not to suggest that the court finds additional injunctive relief against defendant Radtke, defendant's Nickel's replacement or the Department of Corrections more generally is not warranted. In particular, DOC employees reviewing outgoing mail should be informed of the proper standard of review under *Procurier v. Martinez*, 416 U.S. 396 (1974), and the DOC should also consider amending its administrative rule on

¹ The court acknowledges plaintiff's counsel's recent motion for attorney's fees. (Dkt. #159.) The court retains jurisdiction for ancillary or collateral issues such as attorney's fees after judgment has been entered. *See, e.g., PNC Bank, N.A. v. Spencer*, 763 F.3d 650, 654 (7th Cir. 2014).

disciplinary measures for lying about staff to reflect the First Amendment considerations at to outgoing mail. (*See generally* 10/30/14 Op. & Order (dkt. #93) 29-35.)

Accordingly, IT IS ORDERED that:

The clerk court is directed the enter judgment in plaintiff Jackie Carter's favor (1) against defendants, jointly and severally, in the amount of \$1.00 for compensatory damages; (2) against defendant Dylon Radtke in the amount of \$50 in punitive damages; and (3) against defendant Janel Nickel in the amount of \$100 in punitive damages.

Entered this 23rd day of February, 2016.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge