

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

SCOTT A. KONITZER,
a/k/a Donna Dawn Konitzer,

Plaintiff,

v.

GARY HAMBLIN, JANEL NICKEL,
JANET MINK, CAPTAIN KELLER,
TINA MARTIN, RANDY BECKER, and
CORRECTIONS OFFICER FRAUNDORF,

Defendants.

MEMORANDUM

11-cv-426-slc

Plaintiff Scott A. Konitzer a/k/a Donna Dawn Konitzer, is proceeding on claims that defendants failed to protect her from an assault by inmate John H. Balsewicz. Plaintiff has submitted two letters addressed to the court in which she complains about the manner in which defendants and their counsel are providing discovery. In her letters, plaintiff asserts that defendants or their counsel are intentionally trying to thwart plaintiff's efforts to litigate this case. Specifically, plaintiff complains that defendants are providing her with redacted and hard to read photocopies and requiring plaintiff to pay for documents using her own funds. In addition plaintiff alleges that defendants have purposely discontinued her work assignment and are imposing conditions on her that depart from their usual litigation practices. *See* dkts. 142 and 144. Defendants have responded in a letter dated November 28, 2012. *See* dkt. 145. At this point no court action necessary.

Plaintiff in her letters does not ask for court intervention to her perceived discovery frustrations, nor does she supply the court with more than her unsubstantiated say-so of what she perceives to be "less than coincidental" circumstances. If plaintiff wishes to pursue her belief that defendants are not complying with her discovery requests in the manner required by the

Federal Rules of Civil Procedure, then the proper way to do so is to file a motion to compel as explained in the December 2, 2011 preliminary pretrial conference order, dkt. 46 at 9. If plaintiff chooses to file a motion to compel, she will have to explain in detail the nature of the information she is seeking and how defendants' responses are inadequate. Plaintiff already should be aware that although the defendants are expected to respond to her reasonable requests for the production of relevant documents, they have no obligation to make free photocopies for plaintiff. This was explained in the preliminary pretrial conference order, dkt. 46 at 2-3. Plaintiff will have to do the best she can with the resources available to her. In this regard, she is in exactly the same situation as every other pro se prisoner litigant with a lawsuit in this court.

Finally, if plaintiff wishes to pursue a claim that prison officials are retaliating against her for filing this lawsuit, then she will have to do so in a separate lawsuit after she exhausts her administrative remedies as to the claims. Again, this is standard operating procedure for pro se prisoner litigants in this court.

Entered this 5th day of December, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge