

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

PRINCE ATUM-RA UHURU MUTAWAKKIL,
also known as NORMAN GREEN,

Plaintiff,

v.

PETER HUIBREGTSE, JUDITH HUIBREGTSE,
LEBBEUS BROWN, CHAD LOMEN,
ELLEN RAY, BRIAN KOOL
and DIANE ALDERSON,

Defendants.

ORDER

11-cv-471-bbc

On March 29, 2012, I denied plaintiff Prince Atum-Ra Uhuru Mutawakkil's motion for preliminary injunctive relief. Plaintiff sought injunctive relief regarding prison officials withholding photocopies of exhibits and his placement into a room with a "suicide camera," which exacerbates plaintiff's shy-bladder syndrome. I concluded that plaintiff's motion suffered from two problems: (1) it did not comply with this court's procedures for briefing preliminary injunction motions; and (2) his motion raised issues unrelated to the claim on which he is proceeding in this case, that defendants are prohibiting him from identifying himself using his religious name. I explained as follows:

[T]his court still would deny his motion for relief because it encompasses a new set of facts that are not a part of the claims on which this court allowed plaintiff to proceed in this lawsuit.

When a plaintiff alleges that the defendants have retaliated against him for initiating a lawsuit, this court's policy is to require plaintiff to present his claim in a lawsuit separate from the one that allegedly provoked the retaliation. This policy prevents the complication of issues that often results from the ongoing cumulation of claims in one action. The court recognizes an exception to this policy only where it appears that the alleged retaliation would directly,

physically impair the plaintiff's ability to prosecute his lawsuit. If plaintiff were to make this showing, then I would ask defendants' lawyer to look into the matter and report to the court. With regard to plaintiff's assertions that institution staff are holding on to his photocopied exhibits, plaintiff fails to explain how these exhibits are relevant to this case or how not having them in his immediate possession has prevented him from pursuing this lawsuit at this time. The other retaliatory actions plaintiff describes are not the sort that would hamper plaintiff's ability to prosecute this lawsuit. Accordingly, if plaintiff wants to raise a claim that prison officials are retaliating against him for filing this lawsuit, he will have to do so in a separate lawsuit after he exhausts his administrative remedies as to the claims.

Dkt. 23. Now plaintiff has filed a motion for reconsideration of that decision as well as a stay of proceedings, stating that the severe psychological and physical pain he is suffering as a result of being placed in a room with a camera (he states that he now eats very little in an effort to avoid using the toilet) is making it impossible for him to litigate this action.

I will deny plaintiff's motion. While the court understands that his placement in a room with a camera may be taking a physical and psychological toll on plaintiff, he simply fails to show that his problems are keeping him from litigating the case, and thus there is no reason to reconsider my previous ruling or otherwise order a stay of the proceedings. His current motion provides a case in point: although plaintiff continues to fail to properly submit preliminary injunction materials (he again fails to state under penalty of perjury that his statements are true), he was able to submit a relatively cogent brief with supporting materials. These are the kinds of tasks he will be expected to perform as the case proceeds, and thus far he has shown that he is capable of performing them. As I stated in the March 29 order, because plaintiff's retaliation claims do not involve defendants barring him from participating in this action, if he wants to litigate these claims he will have to do so in a separate lawsuit.

ORDER

IT IS ORDERED that plaintiff Prince Atum-Ra Uhuru Mutawakkil's motion for reconsideration of the court's March 29, 2012 order and a stay of these proceedings, dkt. 24, is DENIED.

Entered this 19th day of April, 2012.

BY THE COURT:

STEPHEN L. CROCKER
Magistrate Judge