

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

RANDY McCAA,

Plaintiff,

v.

MICHAEL MEISNER, JANEL NICKEL,
DONALD MORGAN, BRIAN FRANSON,
TONY ASHWORTH, COREY SABISH,
LESLIE BAIRD, PATRICK KUMKE,
RAYMOND MILLONIG, JR., TRAVIS BITTELMAN,
BRIAN NEUMAIER, MICHAEL RATA CZAK,
JOSEPH EBERT and JOHN DOE,

Defendants.

ORDER

12-cv-61-bbc

This prisoner civil rights action is scheduled for a settlement conference to take place at the federal courthouse on October 17, 2013. Plaintiff's counsel have filed an unopposed motion in which they request that plaintiff be present at the conference. Dkt. #83.

Although I have no objection to plaintiff's participation in the conference, I cannot grant plaintiff's motion because he requests that the United States Marshals be responsible for transporting plaintiff. This is puzzling because plaintiff is not in federal custody. As plaintiff acknowledges in his motion, he is incarcerated at the Green Bay Correctional Institution, which is a state prison. I am aware of no authority for ordering the marshal service to take custody of a state prisoner under these circumstances.

Further, it is not clear why plaintiff believes that he needs a court order. Plaintiff states in his motion that “[n]either Defendants nor Defendants’ counsel oppose [h]is motion.” Dkt. #83 at 1. If that is true, then it would seem that nothing is stopping plaintiff’s counsel from working with the warden of the Green Bay prison to transport plaintiff to the settlement conference without judicial intervention.

If the warden is unwilling to transport plaintiff or plaintiff believes for some other reason that a court order is needed, he is free to renew his motion, explaining his reasons and citing appropriate authority.

ORDER

IT IS ORDERED that plaintiff Randy McCaa’s “motion for presence at settlement conference,” dkt. #83, is DENIED WITHOUT PREJUDICE.

Entered this 9th day of October, 2013.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge