

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

JAMES TURNER,

Plaintiffs,

v.

GARY HAMBLIN, MICHAEL MEISNER,
CHARLES COLE, CHARLES FACKTOR,
JOANNE LANE, TIM DOUMA, DIANA KIESLING,
MARK TESLIK, CAMPBELL,

Defendants.

ORDER

12-cv-699-bbc

On December 3, 2012, I granted plaintiff James Turner leave to proceed in forma pauperis on claims that defendants violated his rights under the free exercise clause of the First Amendment and Religious Land Use and Institutionalized Persons Act (RLUIPA) by canceling Jumuah and Talim services when no Islamic volunteer was available and by not allowing inmates to lead these services on their own. Dkt. #10. Because plaintiff cannot recover monetary damages under RLUIPA, I stayed service of the complaint to give plaintiff an opportunity to supplement his complaint to include a request for injunctive relief as authorized by the RLUIPA statute. Now plaintiff has filed a response to the December 3 order advising that he wants only to proceed on his free exercise claim. He asks the court to “remove the argument of Religious Land Use and Institutionalized Person Act.” Dkt. #12. Accordingly, plaintiff will proceed only on his free exercise claim under the First

Amendment.

ORDER

IT IS ORDERED that

1. Plaintiff James Turner's motion to dismiss the Religious Land Use and Institutionalized Persons Act claims, dkt. #12, is GRANTED.

2. Plaintiff's request for leave to proceed in forma pauperis on his free exercise claims against defendants Gary Hamblin, Michael Meisner, Charles Cole, Charles Facktor, Joanne Lane, Tim Douma, Diana Kiesling, Mark Teslik and Campbell is GRANTED.

3. Pursuant to an informal service agreement between the Wisconsin Department of Justice and this court, copies of plaintiff's complaint, the court's December 3, 2012 screening order and this order are being sent today to the Attorney General for service on the defendants. Under the agreement, the Department of Justice will have 40 days from the date of the Notice of Electronic Filing of this order to answer or otherwise plead to plaintiff's complaint if it accepts service for defendants.

4. For the time being, plaintiff must send defendants a copy of every paper or document that he files with the court. Once plaintiff has learned what lawyer will be representing defendants, he should serve the lawyer directly rather than defendants. 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 to defendants' attorney.

5. Plaintiff should keep a copy of all documents for his own files. If he does not have

access to a photocopy machine, he may send out identical handwritten or typed copies of his documents.

6. Plaintiff is obligated to pay the unpaid balance of the his filing fee in monthly installments as described in 28 U.S.C. § 1915(b)(2). This court will notify the officials at the Columbia Correctional Institution of their obligation to deduct payments until the filing fee has been paid in full.

Entered this 12th day of December, 2012.

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