

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

MUSTAFA-EL K.A. AJALA
formerly known as Dennis E. Jones-El,

Plaintiff,

v.

WILLIAM SWIEKATOWSKI,

Defendant.

ORDER

13-cv-638-bbc

Pro se prisoner Mustafa-El K.A. Ajala is proceeding on a claim that defendant William Swiekatowski gave plaintiff a conduct report because of his race and religion. Trial is scheduled for August 24, 2015.

In an order dated July 24, 2015, dkt. #97, I noted plaintiff's concern regarding potential difficulties with sending some of his exhibits to the court. In particular, plaintiff said that he would not be able to comply with shipping requirements for DVDs that include interviews of plaintiff and other prisoners by defendant. Plaintiff says that the interviews are relevant because they include comments by defendant and other prison staff suggesting that plaintiff and other black and Muslim prisoners were being unfairly targeted for disciplinary treatment.

In the July 24 order, I asked defendant whether he could provide assistance to plaintiff in getting the exhibits to the court. In response, defendant makes two points. First,

he says that DVDs of two of the interviews (with prisoners Stanley Felton and Todd Hivala) are already part of the court record. Dkt. #85. Second, defendant says that he has no objection to providing to the court DVDs of other interviews. However, because the interviews are lengthy, defendant asks that plaintiff use the time stamps on the recordings to identify which portions of each interview he wishes to present at trial.

Defendant's request is a reasonable one and should save a significant amount of time at trial if the recordings are played for the jury. Accordingly, plaintiff may have until August 12, 2015 to comply with defendant's request. Plaintiff should identify (1) which interviews he wants to introduce at trial; (2) which portions of each interview he wishes to introduce, using the time stamps on the recordings; and (3) how each identified portion is relevant to proving his claim. Plaintiff should serve his notice on defendant *and* file the notice with the court. Because time is short and it is likely that plaintiff will need to review the recordings again to comply with this order, I ask that defendant take any necessary steps to make sure that any request by plaintiff to review the recordings is handled promptly.

The court has copies of the interviews with prisoners Felton and Hivala, so it is not necessary for defendant to submit additional copies to the court on plaintiff's behalf. However, plaintiff should identify the relevant portions of those interviews (and their relevance) as well.

ORDER

IT ORDERED that plaintiff Mustafa-El Ajala (formerly known as Dennis Jones-El)

may have until August 12, 2015 to file and serve the notice described in this order. If plaintiff does not comply with that deadline, I will construe plaintiff's silence to mean that he no longer wishes to use the interviews at trial.

Entered this 30th day of July, 2015.

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