

2003 WL 23120001

Only the Westlaw citation is currently available.
United States District Court,
W.D. Wisconsin.

Nathaniel Allen LINDELL, Plaintiff,
v.

Matthew J. FRANK, Secretary of the Wisconsin Department of Corrections, Jon E. Litscher, former Secretary of the Wisconsin Department of Corrections; Cindy O'Donnell, Deputy Secretary to Litscher; John Ray, Corrections Complaint Examiner ("C.C.E."); Gerald Berge, Warden at Supermax Correctional Institution; Peter Huibregtse, Deputy Warden of Supermax; Lieutenant Julie Biggar, a Lt. at Supermax; Ellen Ray, I.C.E.; Sgt. Jantzen; C.O. Wetter; C.O. S. Grondin; C.O. Mueller; C.O. Clark, all guards at Supermax; John Sharpe, Manager Foxtrot Unit at Supermax, Defendants.

No. 02-C-21-C. | May 7, 2003.

Attorneys and Law Firms

Nathaniel Lindell, pro se, for Plaintiff.

Jody J. Schmelzer, Assistant Attorney General, Madison, WI, for Defendants.

Opinion

ORDER

CRABB, J.

*1 In an opinion and order entered in this case on May 5, 2003, I granted plaintiff's request for an injunction prohibiting defendants from enforcing their publisher's only rule to the extent that it prohibits inmates from receiving any newspaper and magazine clippings and photocopies in the mail from any source other than the publisher or a recognized commercial source. The injunction makes clear that defendants are *not* prohibited from crafting rules or regulations limiting the quantity of such materials that inmates may receive in incoming correspondence. I failed to make explicit in the May 5 opinion and order that the injunction complies with the requirements for prospective relief established in the Prison Litigation Reform Act, 18 U.S.C. § 3626(a)(1)(A). Therefore, IT IS ORDERED that the May 5, 2003 opinion and order in this case is AMENDED to insert the following sentences at page 37, line 18, between the sentence ending with the word "correspondence" and the one beginning with the word "Moreover":

This provides corrections officials with substantial flexibility, insuring that the injunction extends no further than is necessary to correct the violation of plaintiff's and other inmates' First Amendment rights. The injunction is narrowly drawn and represents the least intrusive means necessary to correct the First Amendment violation.

In all other respects, the May 5 opinion remains unaltered.