

An Important Decision In U.S. District Court,
E.D. Wis. Case #19-cv-255, Lindell v. Pollard.

This ↑ lawsuit concerns guards at G.B.C.I. doing a strip search on me then moving me into a shit-smeared cell because I spoke up for a mentally ill Black guy whom staff were mistreating and because I wrote lawsuits and exposés posted online about the conditions in GBCI's seg. unit. In his 17 April 2019 order, Judge Lynn Adelman let me pursue a claim that

"Defendants Pollard, Schueler, and Kind 'turn[ed] a blind eye to systemic abuse and retaliatory treatment of RTHU prisoners' because they have received numerous complaints about Cpt. VanLanen's abusive and retaliatory treatment of prisoners in RTHU."

Because he let me pursue that claim, I was entitled to obtain evidence about those complaints by other prisoners, and in the order attached to this article, dated 22 May 2020, Magistrate Judge William Duffin ordered A.A.G. Eliot M. Held (heldem@doj.state.wi.us) to turn over all the complaints that prisoners filed in the two years prior to me being moved into the cell up to the present — Judge Duffin agreed with me that evidence of defendants continuing to put prisoners in filthy cells was relevant to support punitive damages, which are meant to deter staff from continuing their repulsive behavior. Smith v. Wade, 461 U.S. 30, 56 (1983).

A.A.G. Held turned over more than 50 complaints about prisoners being put/left in filthy cells!

Only after I filed a motion to compel him to do so did A.A.G. Held let me review body-worn camera (BWC) footage that shows the shit smeared on my cell's door, shows guards saying that my request for cleaning supplies was "reasonable" + "respectful," yet they denied me cleaning supplies.

Other prisoners should use this strategy to force supervisors to actually supervise staff, or face a lawsuit

IT IS FURTHER ORDERED that Lindell's motion to strike (ECF No. 54) is DENIED.

IT IS FURTHER ORDERED that Lindell's motion to impose sanctions (ECF No. 61) is DENIED.

IT IS FURTHER ORDERED that Lindell's motion to compel defendants to provide video/audio recordings (ECF No. 61) is GRANTED IN PART as described herein.

Dated at Milwaukee, Wisconsin this 22nd day of May, 2020.

[Signature deleted per BTB policy]
WILLIAM E. DUFFIN
U.S. Magistrate Judge

#65

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

NATE A. LINDELL,

Plaintiff,

v.

Case No. 19-CV-255

WILLIAM J. POLLARD, STEVE SCHUELER,
JOHN KIND, JAY VAN LANEN,
DREW WEYCKER, KYLE PEOTTER,
JOSHUA GOMM, JESSE AULT,
MICHAEL NEVEU, and ALEX BONIS,

Defendants.

ORDER

On May 21, 2020, the court held a telephonic hearing on Lindell's discovery-related motions and his motion to strike.

1. Motion to Compel (ECF No. 48)

The court ordered the defendants to respond to Lindell's Request for Admission 34, set forth in his Exhibit 21 at 11 (ECF No. 49-1 at 25), related to prisoners' complaints about staff housing them in feces-contaminated or filthy cells, which defendants Pollard, Schueler, and Kind were made of aware of. This request is relevant to Lindell's claims against Pollard, Schueler, and Kind.

The court also ordered the defendants to produce documents in response to Lindell's First Request for Production of Documents, Number 3f, set forth in his Exhibit 23 at 7 (ECF No. 49-1 at 50), which relates to prisoners' inmate complaints

alleging the cells they were moved into in the RHU were filthy. The defendants shall provide inmate complaints, with inmate names and inmate numbers redacted, as well as the decisions on the inmate complaints.

The court ordered the defendants to answer Lindell's interrogatories that were directed at all defendants, to which not all defendants answered. (*See* ECF No. 48 at 6-7.)

In sum, the court grants Lindell's motion to compel as described above. The court denies the remainder of Lindell's motion to compel.

2. Motion to Strike (ECF No. 54)

The defendants' response to Lindell's motion to strike explains why the documents in question were delayed, and no basis exists for striking the documents. The court denies Lindell's motion to strike.

3. Motion to Impose Sanctions and Motion to Compel (ECF No. 61)

The court orders the defendants to provide any video or audio footage that exists involving Lindell from November 30, 2018. The defendants shall include an explanation of efforts made to obtain any video or audio footage that is not available, to include a declaration from the institution's inmate litigation coordinator. The court grants Lindell's motion to compel, as described.

The court denies Lindell's motion to impose sanctions.

THEREFORE, IT IS ORDERED that Lindell's motion to compel (ECF No. 48) is **GRANTED IN PART AND DENIED IN PART** as described herein.