

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

VIRGIL M. SMITH,

Plaintiff,

v.

BAILEY FRAME,

Defendant.

Case No. 17-CV-1745-JPS

ORDER

The Court herein addresses two of Plaintiff's pending motions. On June 12, 2018, Plaintiff filed a motion for leave to conduct depositions by written questions, in accordance with Federal Rule of Civil Procedure 31. (Docket #37). Plaintiff wants to depose eleven non-party witnesses related to the allegations of this case. *Id.* at 2. It is unclear to the Court how relevant the testimony of most of these witnesses will be. In any event, the Court will grant Plaintiff his requested leave. *See* Fed. R. Civ. P. 31(a)(2). The remainder of Plaintiff's motion asks the Court to organize the depositions, including subpoenaing the witnesses to this Court, issuing a writ to obtain Plaintiff's presence here for the depositions, and paying for a court reporter to take the depositions. (Docket #37 at 3–10). The Court will not do any of this. Plaintiff alone is responsible for taking the depositions he desires, and he must do so at his own expense. His *in forma pauperis* status only entitles him to delayed payment of the filing fee in this case. Plaintiff cannot call upon the taxpayers' funds to subsidize any other aspect of his litigation.

On June 26, 2018, Plaintiff filed a motion to compel responses to certain of his interrogatories propounded to Defendant. (Docket #38). Plaintiff sent twenty-five interrogatories to her. (Docket #38-1 at 3–7). The

first three seek factual information, and she responded to them without objection. *Id.* at 9–10. The other twenty-two requests ask Defendant to “[s]tate all words in order” of various statutes and in the headnotes of various case opinions. *Id.* at 10–17. Defendant appropriately objected to these requests. The discovery process may be used to seek factual evidence. It may not be used as a substitute for one’s own legal research. Whatever concerns Plaintiff has with the law library in his institution, he cannot remedy them by simply asking Defendant to supply him with free copies of legal materials. The motion to compel will be denied.

Accordingly,

IT IS ORDERED that Plaintiff’s motion for leave to take depositions by written questions (Docket #37) be and the same is hereby **GRANTED in part** and **DENIED in part** in accordance with the terms of this Order; and

IT IS FURTHER ORDERED that Plaintiff’s motion to compel (Docket #38) be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 27th day of June, 2018.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge