

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

TREMAYNE EDWARDS,

Plaintiff,

v.

BRADLEY GILARDI,

Defendant.

ORDER

16-cv-317-jdp

Pro se plaintiff Tremayne Edwards, a prisoner at the Wisconsin Secure Program Facility, brings this lawsuit alleging that he was verbally sexually harassed during a urinalysis at which he was forced to disrobe. In a November 13, 2017, order, I dismissed against defendant Warden Tim Haines from the case but denied defendants' motion for summary judgment as to Edwards's claim against defendant Bradley Gilardi, one of the correctional officers who conducted the urinalysis. Trial is set for February 5, 2018.

Edwards has filed a motion for reconsideration of the summary judgment order, contending that because Gilardi does not remember the specific incident at issue, he cannot dispute Edwards's version. But as I stated in the summary judgment order, Gilardi stated that he would never make the harassing comments attributed to him, and he that he was trained to respect inmates and act with professionalism. From these facts, a jury could draw reasonable inferences that Gilardi would not have done what Edwards says he did, and that his failure to remember the specific events was in part because they were run-of-the-mill and proper as opposed to Edwards's version. A jury could believe Edwards over Gilardi, but Gilardi has also presented evidence that could lead the jury to believe his version. Therefore a trial is necessary, and I will deny Edwards's motion for reconsideration.

ORDER

IT IS ORDERED that plaintiff Tremayne Edwards's motion for reconsideration, Dkt. 55, is DENIED.

Entered January 9, 2018.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge