

No.

IN THE SUPREME COURT  
OF THE UNITED STATES

Patrick J. Werner,

Petitioner,

v.

CITY OF GREEN BAY,

Respondent

DECLARATION IN SUPPORT FOR ALL MOTIONS THAT ARE  
PRESENTLY SUBMITTED

Petitioner, a nonprofessional (*pro se*) litigant, asks leave to file this Declaration in Support for All Motions that are presently submitted to be granted in FULL and that he be allowed additional time to file his Writ of Certiorari in this matter.

I, Patrick J. Werner, being duly sworn according to the law depose and say that I am the Petitioner in this action state that:

1. I am the Petitioner in this action.
2. Since my current incarceration, the various staff at this Institution, have continuously harassed me, have stolen my legal paperwork from all of my cases, and even have retaliated against me for the original matter that I had filed in Werner v Wall, which was denied by this Court for Writ of Certiorari.
3. Because I owe past legal loan debts, I am only allowed \$50.00 annually, or until the previous amounts are paid in full.
4. Yet, clearly this alone conflicts with the Wisc Admin Code DOC § 309.51(1), which states that no inmate may receive more than \$200 annually.

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5. When I had sought a Legal Loan Extension for this, to continue to work on my cases, I was denied this. As Civil Cases are not proper vehicles for this, this includes medical claims against DOC Staff Members wherein they have denied me proper medical care and delayed my Medical Treatment continuously and have ignored the recommendations from various specialists throughout my prison stay.
6. During a cell-search, one of the correctional staff members searched and confiscated over 4000 pages of legal work that was for this matter (that was issued by oppositional counsel) and various other legal paperwork that was for pending litigation and contemplated legal work.
7. When I had asked for a Legal Extension to work on this matter, I was advised that without valid documented proof of a legal deadline, that I did not qualify for this. This was told to me by the Library Security Staff Member.
8. In addition, when I seek to have an extended amount of time to work on this matter, I am told that the only way that this can happen, is with actual written proof from the court(s).
9. The staff at Oshkosh Correctional Institution does not have to follow the guidelines of the specific rules that are governed for legal actions, and they will only grant extensions of legal deadlines *IF* one has written proof of the pending deadline.
10. In addition, I have sought to have various documents notarized, and I then get told that the policy has been changed to you have to mail these out immediately to the court(s) or other official and that the person that notarizes the documents is to be in an upcoming 42 USC § 1983 in which when I had sued the DOC, he was one of the persons who denied me access to the law library and had confiscated legal materials that were provided from both this case, as well as other contemplated legal actions, that I will be filing in the very near future.
11. I have sought an extension of my legal loan, to cover this, but have been turned down with the only remark of you can seek an extension of time to

file your legal materials; wait until you are eligible of this in 2019 or pay off your current debts for all legal loans from the past.

12. Then the warden states that this matter does not comply with the requirements of the policy that they are enforcing.
13. In addition, one is only allowed access to \$100 per year, unless they owe past legal loans, in which, they are only allowed \$50 per year.
14. I had used up the whole \$50 on the matter in the Court of Appeals in this matter, and so, I do not have any way for me to cover the copying of these materials and sending them to the Respondent in this matter.
15. Yet, the Wisconsin Administrative *Code DOC § 309.51*, states, that one is allowed to have annually \$200. In addition, the legal loan limit may be exceeded with the superintendent's approval if the inmate demonstrates an extraordinary need, such as a court order requiring submission of specific documents.
16. There is no mention that this was altered, changed, or otherwise modified to reflect this change.
17. In addition, with me having to earn money while working at my institutional employment on the Unit that I currently reside upon, I miss a lot of law library time, and yet, when I am able to make it to the law library it is closed for no reason.
18. The staffs' excuse is that they are short staffed or no one is signed up for that post or vacancy.
19. I had filed an Inmate Complaint with the Institution.
20. When one files an Inmate Complaint, a pair of former White Shirts, who were either Lieutenants' or Captains', decide if the Institution had violated a specific rule or policy.
21. In addition, there is no guaranteeing that when we as inmates' have notarized a document, that it is ever received by the court that it is directed to.
22. When we have to file this, and it is lost, the staff will tell us that they sent this out, and it is not their fault that it is lost.

23. Some of us, like myself, owe so much money towards legal obligations, such as federal filing fees, or child support or other legal debts, that we cannot even meet out deadlines, and so, we are forced to have other inmates' mail out our legal materials for us.
24. I understand that this violates the Institution policy(ies) but what is one to do?
25. With this all being said, I seek either assistance with obtaining assistance of counsel to help me write and submit my Writ wherein I work on this, and counsel submits this after they verify this OR that this Court order the Department of Corrections specifically Warden Judy Smith and/ or Deputy Warden James Zanon to approve for me a Legal Loan extension in the amount of \$100.00 or so, for me to mail this out and copy this for each party, to include myself, and the other parties in this action. I still have not even printed out the original briefs and reply briefs of the Seventh Circuit Court of Appeals material that I had filed in this action as of yet.
26. With the constant closing of the Law Library, the deadline of October 29, 2018, would never be met by me, and so I would need an extension of time to file the Writ of Certiorari and the other supporting documentation that this Court requires pursuant to Supreme Court Rules.
27. With that being said, I would request that this Court allow me an extension of up to 60 days from the date that this Writ of Certiorari would be due within this Court, so this would be about December 29, 2018.
28. I know that an extension of time is not a very good idea with concerns to this, but what is one to do with regards to this?
29. If I am unable to get the legal loan extension with the assistance of this Court, I would be forced to seek an additional extension of another 60 days after the first extension of time, in that I would then be eligible for another legal loan for 2019, and this would be another \$50.00 for the year, and then I would have to seriously budget my legal matters to this matter versus any other legal motions, briefs, etc, for the current matters that I am being held on.

30. If I would have to file an additional extension of time to file the Writ of Certiorari, then this would be another 60 days from the December 29, 2018, which would be about February 28, 2019 or about that time frame.
31. As I am not an attorney, nor do I portray myself as a legal scholar, I am adept at researching what I am seeking and trying to draft up what I feel the Court should be made aware of.
32. I have been presently working on legal matters for the past 19 years so far.
33. Even if I were able to utilize one extra hour a day, this would be only 50 minutes at a maximum, that would not be enough time for me to even work on this matter and utilize the various amount of time for me to actively research the additional matters and cases that I would need. Even if that were a valid amount of time, the law library is constantly closed, even when I have a legal deadline that I can use to actively work on this matter.
34. In Werner v Wall, the Seventh Circuit Court of Appeals had granted on their own volition the recruitment of counsel to assist me in that matter.
35. This is a similar matter, since at no time was oral arguments brought up and that the Seventh Circuit Court of Appeals would hear what was different in my case versus the matter that was decided in this other case that they had cited in their decision.
36. I would be reluctant to not ask for the recruitment of counsel in this matter, since I have been struggling with both the access to the Law Library as well as with my financial hardships that I have incurred while I have been in prison over the past few years.
37. I completely understand that I may not become a litigation machine, but when I feel that a social and/or constitutional injustice has affected me in any matter, I have found it plausible to challenge these various infractions, and even when it comes to my own criminal matter, I have had to file for these matters to be resolved either for the better or for some form of change that will effect me in the very near future.

All of the information that is contained within this is true and correct to the best of my ability, research, knowledge, and materials that are presently available to me at this time, under penalty of perjury.

Dated on this 18<sup>th</sup> day of October, 2018



Petitioner -Affiant  
Oshkosh Correctional Institution  
P.O. Box 3310  
Oshkosh, WI 54903-3310