

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORY BARTUNEK,

Defendant.

8:17CR28

ORDER

A hearing was held in this case on February 26, 2018 to discuss Defendant's access to the law library. Having considered the issues raised,

IT IS ORDERED as follows:

1. Defendant shall be given 20 hours per week in the law library at Douglas County Corrections ("Corrections"). Defendant shall be allowed access to the law library 20 hours per week, between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays. Four hours per week may be subtracted from Defendant's 20-hour allotment for each weekday that is a holiday. Also, these 20 hours need not be evenly distributed throughout the week. The hours may be given in different time increments during the week, as long as Defendant is allowed to use the law library for a total of 20 hours per week (with the exception of weeks containing holidays as explained above). If there are extenuating circumstances and Corrections cannot meet the 20 hour requirement during 8:00 a.m. and 4:00 p.m., Monday through Friday, Corrections, in their sole discretion, may use evenings and weekends to satisfy the 20 hours per week requirement. This time allotment shall continue until Defendant's trial has concluded. Once Defendant's trial has concluded, Defendant's access to the law library shall return to the standard time allotted to all inmates based on the rules and regulations of the Douglas County Correctional Center.

2. Defendant shall be allowed to attend church services one (1) hour per week without this time counting against Defendant's 20 law library hours.

3. If Defendant's law library attendance falls during either lunch or dinner, Defendant will be permitted up to 20 minutes to eat lunch or dinner while in the law library. Corrections may not count the 20 minutes it takes Defendant to eat lunch or dinner as part of the 20 hours per week requirement.

4. Corrections will allow a bathroom and water break for Defendant at least every 2 hours.

5. If Defendant refuses to go to the law library when called for his law library time, this refusal will result in Corrections counting the time Defendant would have been in the law library, had he not refused to go to the law library, as time toward the 20 hours per week requirement.

6. If Defendant is placed into disciplinary lockdown due to his own misconduct, Corrections will be exempt from the 20 hours per week requirement during that lock down period. However, every effort shall be made by Corrections to give Defendant some time in the law library due to Defendant's trial starting March 12, 2018. Corrections shall notify the United States attorney, Michael Norris, within 24 hours of any such disciplinary lock down.

7. Any hours of law library access provided to defendant that is over the 20 hours per week requirement may be counted toward any prior weekly shortage/arrearage or subsequent week's hours.

8. The Clerk of Court is directed to mail a copy of this Order to Defendant at his address of record and to Mike Rupiper, c/o Douglas County Department of Corrections, 1709 Jackson St., Omaha, Nebraska, 68102.

Dated this 26th day of February, 2018.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge