

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

ALGENONE WILLIAMS,

Plaintiff,

ORDER

v.

02-C-0070-C

LOMEN, KARNOPP, HEISZ,
and GEBHART, in their individual/
personal and official capacities,

Defendants.

ALGENONE WILLIAMS,

Plaintiff,

v.

02-C-0010-C

GERALD BERGE, in his individual and
official capacity,

Defendant.

Two months ago, on October 24, 2002, defendants in case no. 02-C-70 filed a motion for summary judgment. On November 7, 2002, defendant Berge filed a motion for summary

judgment in case no. 02-C-10-C. In separate briefing schedules, the court gave plaintiff four weeks and three weeks respectively from the dates the motions were filed in which to serve and file his responses. Plaintiff did not meet those deadlines, but instead requested more time in each case. In case no. 02-C-10-C, plaintiff stated that he needed more time to oppose the motion because the motion was “voluminous” and because he was facing another deadline set in case no. 02-C-70-C. In case no. 02-C-70-C, plaintiff complained that he could not meet the deadline because the institution had refused to grant him an extension of his legal loan privileges to photocopy response documents that plaintiff had hand-written.

On November 21, 2002, the court granted plaintiff a two week extension of time to December 11, 2002, in which to oppose the motion in case no. 02-C-10. On November 25, 2002, the court extended plaintiff’s deadline in case no. 02-C-70-C one week to December 2, 2002. In the November 25 order, Magistrate Judge Stephen Crocker told plaintiff that the institution had no obligation to photocopy his hand-written documents and that it was up to plaintiff to hand-write the necessary copies or use carbon paper to create duplicates. Plaintiff then used his scant resources to reargue the point with Magistrate Judge Crocker and lost in an order dated December 3. On December 5, 2002, plaintiff filed “objections” to the motions for summary judgment with the court. At that time, plaintiff admitted that he had not served opposing counsel with copies of his papers because the institution had refused to make copies of his exhibits accompanying the responses.

In an order dated December 11, 2002, I gave plaintiff one last extension of time to oppose defendants' motions. I told plaintiff that I would not consider any papers that were not served on opposing counsel. In particular, I repeated the magistrate judge's finding that plaintiff could hand-copy and serve opposing counsel with that portion of his response that he had written himself, and that it was entirely unnecessary for plaintiff to submit evidentiary materials in opposition to defendants' motions that defendants had already filed in the cases, which was most of what plaintiff's "exhibits" were. In addition, I pointed out that plaintiff's opposing materials could not be considered in any event because they did not comply with the court's summary judgment procedures. After explaining the procedural mistakes plaintiff had made, I gave plaintiff until December 20, 2002, in which to serve and file opposing materials that complied with the court's procedures.

Now, on the date of his final deadline, plaintiff has filed a 12-page motion in which he asks for more time to oppose defendants' motions and the return of "exhibits and witness affidavits," copies of which plaintiff submitted earlier but apparently did not keep for himself. His reasons for needing more time are sadly familiar: plaintiff has five other lawsuits keeping him busy in the Western District of Oklahoma and has run out of legal loan funds.

Enough is enough. Instead of buckling down and hand-copying what he could hand-copy, requesting duplicate affidavits from his witnesses, and focusing his energy on obtaining

legal loan extensions to photocopy evidentiary materials that are not already in the court's records, plaintiff has concentrated all of his energy on fighting the legal loan policies of the prison. His fight is over in these cases. I will deny plaintiff's request for more time to oppose defendants' motions for summary judgment and take the motions under advisement without having the benefit of plaintiff's responses.

ORDER

IT IS ORDERED that plaintiff's motions for extensions of time in which to oppose defendants' motions for summary judgment in these cases are DENIED. The motions will be decided without having the benefit of plaintiff's responses.

Entered this 26th day of December, 2002.

BY THE COURT:

BARBARA B. CRABB
District Judge