

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

FRANCIS E. ALTMAN,

Plaintiff,

v.

MARATHON COUNTY JAIL ADMINISTRATOR
ROBERT DICKMAN; MICHAEL SCHAEFER;
KARA MOHR and CARRY PELLOWSKI,

Defendants.

ORDER

03-C-371-C

After plaintiff filed an amended complaint naming the defendants he had named in his original complaint as John and Jane Does, defendants filed an amended answer. In the answer, defendants raise several affirmative defenses, include the defense of qualified immunity. Now plaintiff has written to request clarification whether defendants' amended answer was intended as a motion to dismiss based on immunity. Plaintiff points out correctly that in the preliminary pretrial conference order, the magistrate judge set December 5, 2003 as the deadline for filing motions based on the immunity defenses. Plaintiff states that if the court treats the amended answer as a motion to dismiss, he wishes the court to treat his submission as a motion for an enlargement of time in which to respond

to defendants' motion.

This court does not treat defenses raised in an answer as motions. If defendants intend to move for dismissal on the ground they are entitled to immunity from suit, they must do so in a separate motion. Therefore, plaintiff's motion for an enlargement of time to respond to a motion to dismiss based on immunity from suit is DENIED as premature.

Entered this 4th day of December, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge