

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

DARRICK A. ALEXANDER,

Plaintiff,

v.

CORRECTIONAL OFFICER PERRENOUD,

Defendant.

ORDER

03-C-0578-C

The parties have advised the court that plaintiff did not receive defendant's motion for summary judgment until approximately ten days after the deadline for filing dispositive motions had passed. Defendant explains that the delay in plaintiff's receiving the motion was the result of defendant's having sent plaintiff's copy to the wrong address. When defendant learned of the error, he immediately remailed the motion to plaintiff at the correct address. Although plaintiff does not say when he actually received the motion, I will assume from the fact that it was remailed on July 13, 2004, that he had it by July 16, 2004.

Defendant's motion is not "moot" simply because it was routed to plaintiff off course. However, in fairness to plaintiff, I will modify the schedule for his response and defendant's reply.

ORDER

IT IS ORDERED that plaintiff may have until August 16, 2004, in which to oppose defendant's motion for summary judgment. Plaintiff may have until August 26, 2004, in which to serve and file a reply.

Entered this 4th day of August, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge