

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

JAMES R. WHITWELL,

Plaintiff,

v.

BRAD HOYT (Deputy Sheriff),

Defendant.

OPINION AND
ORDER

04-C-0981-C

In this civil action for monetary relief, plaintiff James Whitwell contends that defendant Brad Hoyt violated his rights under the Fourth Amendment when he stopped plaintiff's vehicle without probable cause. Trial is scheduled for April 3, 2006.

In an order dated February 27, 2006, I granted in part defendant's motion for summary judgment. Because the motion was unopposed by plaintiff and because plaintiff's last communication with the court had been a letter requesting an indefinite stay of the proceedings in this case, I ordered plaintiff to submit a letter by March 10, 2006, naming any witnesses he intends to call at trial, briefly describing the testimony he expects each witness will give and describing any other evidence he plans to introduce with respect to his remaining claim.

On February 28, 2006, the court received a letter from plaintiff, which I construe as

a renewed request to stay all proceedings in this case. In his letter, plaintiff alleges that he suffers from multiple disabilities which cause him “constant unrelenting pain.” He states that although he receives treatment from physicians at a pain clinic, at this time his disability is so severe that he is incapable of complying with the court’s deadlines. In addition to being unable to respond to defendant’s motion for summary judgment, plaintiff contends that he has been unable to obtain documents necessary to his case and has been unable to depose defendant or engage in discovery. Plaintiff asks that the court stay all proceedings until his pain is “at least partially under control.”

Although I am sympathetic to plaintiff’s discomfort and the limitations imposed upon him by his disability, the solution to his problems is not an indefinite stay of the proceedings in this case. Although it is reasonable to accommodate a litigant suffering from a disability by providing extended deadlines and making other legitimate adjustments to the court’s calendar, an indefinite delay would be wholly unreasonable, particularly when plaintiff has given no indication that he or his physicians believe he will improve significantly any time in the foreseeable future. This court has extended deadlines for plaintiff in this case previously, with no beneficial result to any party. Therefore, plaintiff’s motion for a stay of the proceedings in this case will be denied. If plaintiff intends to pursue his remaining claim in this case, he must submit the descriptions of his evidence as directed in the court’s February 27 order. Failure to comply with the February 27 order will result in a dismissal of this case on the court’s own motion.

ORDER

IT IS ORDERED that plaintiff's motion to stay proceedings in this case is DENIED.

Entered this 2nd day of March, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge