

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

THOMAS W. REIMANN,

Plaintiff,

v.

DAVID ROCK, JOHN PAQUIN,
MS. TIERNEY, CATHERINE FERREY
and LIZZIE TEGELS,

Defendants.

ORDER

05-C-501-C

Plaintiff Reimann has submitted a letter to the court in which he asks that this court find defendants in contempt of the order of July 3, 2006. In that order, I directed defendants to notify the court no later than 4:30 p.m. on Thursday, July 6, 2006, that they had provided plaintiff with an opportunity to inspect and copy (at plaintiff's expense) BHS policies plaintiff asked to view in his first request for production of documents in this case. Subsequently, defendants advised the court that on July 6, 2005, plaintiff had received the policies in his cell and that he would be allowed to have the materials for his perusal until at least noon on July 10, 2006. Nothing in plaintiff's letter suggests that this representation was not true. Indeed, plaintiff admits that he has reviewed the policies and that he marked

certain pages that he wanted copied. According to a copy of a memorandum addressed to plaintiff from a Kathleen Bierke dated July 10, 2006, Bierke advised plaintiff that she was making a copy of each page of the policies plaintiff had marked with a piece of paper, despite the fact that he had not completed a copy request form. She advised him also that he would receive the copies if he had sufficient funds in his account and, if he did not have sufficient funds, if he applied for and obtained a legal loan. Plaintiff also has attached to his motion a copy of a memo he wrote to Ms. Bierke on July 11, 2006, in which he states he wants additional pages copied and, “[i]f I can’t review and copy relevant portions of the Manual b6 [sic] July 13, 2006 @ 4:00 PM I will file a formal motion for contempt of court against the DOC.”

Plaintiff does not explain why he did not mark every page of the policy manual he wanted copied when he had the opportunity to do so between July 6 and July 10, 2006, when he had the policies in his possession. In any event, because he has failed to show that defendants are in contempt of this court’s order of July 3, 2006, plaintiff’s motion for contempt will be denied.

Alternatively, plaintiff appears to be asking for an enlargement of time to July 31, 2006, in which to oppose defendants’ motion for summary judgment, so that he has time to obtain a review of his health services file. According to plaintiff, he is required to wait 30 days to review the file. Given plaintiff’s recent transfer to the Green Bay Correctional

Institution and his representation that he is required to wait 30 days to receive access to his medical records, I will grant plaintiff's request. However, this is the last extension plaintiff will receive.

ORDER

IT IS ORDERED that plaintiff's motion to find defendants in contempt of this court's order of July 3, 2006, is DENIED.

Further, IT IS ORDERED that plaintiff's request for an enlargement of time to July 31, 2006, in which to oppose defendants' motion for summary judgment is GRANTED. The briefing schedule is modified also to allow defendants until August 11, 2006, in which to serve and file a reply.

Entered this 20th day of July, 2006.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge