

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

ORLANDO LARRY,

Plaintiff,

v.

JOANNE ANDERSON,

Defendant.

ORDER

06-C-223-C

Plaintiff has written two letters to the court. In one letter, he asks the court to extend his September 18, 2006 deadline for responding to defendant's motion for summary judgment because "discovery would be very helpful in [his] answer to the motion." In the second letter, plaintiff notes that he sent the court a check in the amount of \$7.80 to pay for photocopies in this and another of his cases, 06-C-197-C, but that he has not yet received the copies. The court's records reveal that plaintiff's check was received by the court and entered into the court's financial system as payment for 78 pages of copies in case no. 06-C-223-C. Unfortunately, there is no indication in the court's record or on the docket for this case that any copies were actually prepared and mailed to plaintiff. In any event, plaintiff did not ask for 78 pages of documents from this case. In an order dated July 24, 2006, I

noted that plaintiff had requested 31 pages of material from this case predating the order and 47 pages of material from case no. 06-C-197-C predating the order. Because it does not appear that plaintiff was sent the copies he paid for, I am enclosing the requested copies to him with this order.

As for plaintiff's request for an enlargement of time in which to oppose defendant's motion for summary judgment, I am not persuaded that plaintiff's request for production of documents is likely to uncover any evidence sufficient to put into dispute any fact material to the issue to be decided in this case. As plaintiff is well aware, the issue to be resolved is whether he admitted to his probation officer or any other law enforcement officer any conduct that violated the terms of his probation at or near the time he was detained. Defendant has submitted as evidence in support of her motion for summary judgment a written statement plaintiff gave her on October 31, 2005, the day of his arrest and detention. In the statement, plaintiff admits to violating the condition of his probation that required him to report to his probation officer as directed for scheduled and unscheduled appointments.

In a request for production of documents dated August 19, 2006, plaintiff asks for copies of all statements he made and submitted to defendant before and after he was placed in custody, "all copies of 'notice of violation receipt forms,' 'notice of violation' and 'recommended action and statement of hearing rights forms' resulting from "all

investigations of all allegations during all probation holds that [he] was detained on,” and “a copy of all scheduled appointments of all office and home visits.” In addition, he asks for a copy of the rules regarding the consequences of a probationer or parolee’s refusal to submit a signed statement and a copy of the recording from his final revocation hearing. In light of the fact that the court’s record already contains proof that plaintiff admitted to violating his probation, I am hard pressed to imagine what document among the additional documents plaintiff has asked to inspect would serve to put defendant’s evidence into dispute. Either plaintiff signed the October 31 statement or he did not. He does not need discovery to admit or disclaim the authenticity of the statement. Nevertheless, in the interest of fairness, I will allow him two additional weeks, until October 2, 2006, in which to oppose defendant’s motion. This should allow him time to inspect the documents he wishes to inspect and submit in opposition to defendant’s motion.

ORDER

IT IS ORDERED that plaintiff’s motion for an enlargement of time in which to respond to defendant’s motion for summary judgment is GRANTED. Plaintiff may have until October 2, 2006, in which to serve and file a brief, proposed findings of fact and evidentiary materials in opposition to defendant’s motion. Defendant may have until

October 12, 2006, in which to serve and file a reply.

The copies of documents from this case and case no. 06-C-197-C that plaintiff asked to be sent to him are enclosed to plaintiff with this order.

Entered this 19th day of September, 2006.

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