

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

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ORLANDO LARRY,

Plaintiff,

v.

JOANNE ANDERSON,

Defendant.

ORDER

06-C-223-C

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At a preliminary pretrial conference held in this case on August 16, 2006, the magistrate judge postponed scheduling a trial date or any other deadlines because the issue to be decided is unusually simple. Plaintiff contends he was denied a preliminary hearing prior to a probation revocation hearing. Defendant contends that plaintiff was not given one because he signed a statement shortly after his arrest that contains an admission that he violated a condition of his probation. The matter has been fully briefed on defendant's motion for summary judgment, which was filed on August 16, 2006. Now plaintiff has filed his own motion for summary judgment, addressing the same claim.

There is no point scheduling briefing on plaintiff's motion for summary judgment. The subject matter is precisely the same as the matter addressed in defendant's motion.

Plaintiff availed himself of the opportunity to respond to defendant's motion with evidentiary materials, a brief, and proposed findings of fact. Requiring the defendant to respond to plaintiff's independent motion for summary judgment at this time would serve only to delay final resolution of the case.

Accordingly, IT IS ORDERED that plaintiff's motion for summary judgment is DENIED as duplicative. The court has taken defendant's motion for summary judgment under advisement. The parties will be notified as soon as a decision on the motion has been reached.

Entered this 13th day of October, 2006.

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