

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

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CLAYTON MELLENDER,

Petitioner,

v.

ORDER

06-C-547-C

DR. CHARLES LARSON and  
RICHARD RAEMISCH,

Defendants.  
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Defendants have filed a “Motion to Dismiss Plaintiff’s Claims for a Preliminary Injunction,” asking that the court cancel the evidentiary hearing scheduled for January 9, 2007, on plaintiff’s motion for a preliminary injunction. As grounds for their request, defendants assert that plaintiff is scheduled to be released from prison on January 30, 2007, and that his imminent release means that “he cannot possibly succeed in demonstrating that an irreparable injury would occur absent injunctive relief.” If it is true, as plaintiff alleges, that he has been suffering from seizures that the prison doctor refuses to treat and that he is being denied adaptive equipment he needs in order to safely navigate through the prison, he may well be suffering irreparable injury at the present moment. So long as he remains

incarcerated, plaintiff's release date is irrelevant. Defendants' motion will be denied.

ORDER

IT IS ORDERED that defendants Charles Larson and Richard Raemisch's "Motion to Dismiss Plaintiff's Claims for a Preliminary Injunction" is DENIED.

Entered this 28th day of December, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge