

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

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CORNELIUS R. MADDOX,

Plaintiff,

v.

ORDER

06-C-761-C

GERALD BERGE, JON E. LITSCHER,  
PETER HUIBREGTSE, CAPT BLACKBOURN,  
MS. T. HANSON, LT. GRONDIN,  
LINDA HODDY-TRIPP, TIM HAINES  
and MR. & MRS. MILES,

Defendants.  
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In an order dated February 8, 2007, I granted plaintiff leave to proceed in forma pauperis on four of the several claims raised in his complaint. I dismissed five other claims and stayed a decision whether to allow plaintiff to proceed on yet two others:

1) plaintiff's claim that Ms. T. Hanson, Lt. Grondin, Linda Hoddy-Tripp, Tim Haines and Mr. and Mrs. Miles, all members of the administrative confinement review committee, and Peter Huibregtse, Gerald Berge and Jon Litscher, who reviewed decisions of the committee, deprived plaintiff of his procedural due process rights in connection with plaintiff's retention in administrative confinement status; and

2) plaintiff's claim that defendants Berge and Litscher violated his rights under the Religious Land Use and Institutionalized Persons Act and the First Amendment free exercise clause when they refused to permit plaintiff to attend congregate religious services.

With respect to the stayed claims, I directed plaintiff to submit no later than February 20, 2007, an addendum to his complaint in which he was to provide the following information:

a) a statement indicating whether he wished to pursue a due process claim with respect to his retention in administrative confinement;

b) if plaintiff answered yes to question the first question, then a statement explaining why he believes the administrative confinement review committee did not conduct periodic reviews of his status in administrative confinement as contemplated by Wisconsin's administrative code provisions, as well as explaining when the alleged departure from the state required procedure occurred and what part of the procedure was not followed; and

c) a statement identifying the religion to which he belonged in 2000 and 2001 as well as stating whether respondent Berge made religious services available to plaintiff by broadcast television and what effect his inability to attend group religious services had on his ability to practice his religion, if any.

I told plaintiff that if, by February 20, 2007, he failed to supply the court with the requested information, I would assume that he does not wish to proceed with his due process

claim or a claim that his right to practice his religion was violated under the First Amendment and RLUIPA. Now, plaintiff has written the court to request an extension of time within which to file his addendum.

Plaintiff does not suggest how much additional time he needs to respond to the February 8 order. He says only that on February 9, 2007, the warden of the Green Bay Correctional Institution declared an emergency and placed the entire institution on lockdown. This prevents plaintiff from consulting with a jailhouse lawyer, which he wishes to do before responding to the court's order. Although I can understand that plaintiff prefers the reassurance of a jailhouse lawyer in preparing his addendum, plaintiff should not need the help of another inmate to know whether the administrative confinement review committee conducted periodic reviews of his placement in administrative confinement, what religion he practiced in 2000 and 2001, how important congregate religious services are to that religion and whether he could participate in congregate services by television. Therefore, although I will grant plaintiff a short extension of time within which to respond to the February 9 order, I will not stay the order indefinitely pending the warden's retraction of the lockdown.

#### ORDER

IT IS ORDERED that plaintiff's motion for an enlargement of time within which to file a response to the February 9, 2007 order is GRANTED in part. Plaintiff may have until

March 2, 2007, in which to file the requested addendum to his complaint. If, by March 2, 2007, plaintiff fails to file the addendum, I will consider his due process, RLUIPA and free exercise clause claims to have been withdrawn.

Entered this 21st day of February, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge