

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

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ANTHONY CORDOVA,

Plaintiff,

v.

ORDER

07-C-172-C

MATTHEW FRANK, Secretary,
GREGORY GRAMS, Warden, JANEL
NICKEL, Security Director, JANET
WALSH, Psychologist DS 1, DS1 first
shift sergeant, RICKY PLATH, Bldgs
and Grounds Supervisor, CAPTAIN
DYLON RADTKE, Administrative Cpt.,
DOCTOR SULIENE, physician, DR.
JENS, Psychiatrist, DR. DANA
DIEDRICH, Psychiatrist and JUSTIN
McLIMANS, Corrections Officer,

Defendants.

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Plaintiff Anthony Cordova has moved for an enlargement of time in which to oppose defendants' motion for summary judgment, which is limited to the question whether plaintiff has exhausted his administrative remedies with respect to two of his claims: that he was denied adequate medical care for back pain and that he was denied adequate mental health treatment. Plaintiff explains that he needs more time to oppose the motion because

he is having trouble getting to the library. However, it is entirely unclear why plaintiff believes he needs to visit the law library in order to respond to defendants' motion. Indeed, plaintiff's motion is accompanied by an affidavit in which he responds directly to defendants' assertion that he failed to timely appeal the dismissal of his grievance regarding the lack of medical treatment for his back pain. Nothing in the law library will allow plaintiff to speak more directly to the issue. This is because the question whether he has exhausted his administrative remedies is fact-based. Either he did or did not follow grievance procedures. If he did not, he must explain why not, so that the court can decide whether the procedures were "available" to him. This information cannot be obtained from the law library.

Nevertheless, because defendants' motion was filed in the earliest stages of this lawsuit and because plaintiff's June 22, 2007 deadline for opposing defendants' motion will have passed by the time he received this order, I will grant him a short extension of time to submit a proper response to defendants' proposed findings of fact. This will be the only extension plaintiff receives with respect to the present motion for summary judgment.

ORDER

IT IS ORDERED that plaintiff's motion for an enlargement of time in which to oppose defendants' motion for summary judgment is GRANTED. Plaintiff may have until

July 6, 2007, in which to serve and file a response to defendants' proposed findings of fact and evidence of his exhaustion efforts, if he has such evidence. Defendants may have until July 16, 2007, in which to serve and file a reply.

Entered this 19th day of June, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge