

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

ROBERT W. TESSEN,

Plaintiff,

v.

STEVE HELGERSON, NANCY HAHNISCH,
DARCI BURRESON, JENNIFER NICKEL and
NATALIE NEWMAN,

Defendants.

ORDER

10-cv-104-wmc

Plaintiff Robert W. Tessen was allowed to proceed on his Eighth Amendment claim that defendants Steve Helgersen, Nancy Hahnisch. Darci Burreson, Jennifer Nickel and Natalie Newman were deliberately indifferent to his serious medical need. Now before the court is plaintiff's second motion to compel discovery under Fed. R. Civ. P. 37 and for sanctions. Dkt. 32

As the defendants point out in their response, this motion is frivolous. Plaintiff's motion dated November 21, 2010 contends that defendants had failed to respond to his discovery requests that he mailed on October 21, 2010. Defendant's responses to plaintiff's discovery requests were not due until November 23, 2010. They were mailed to plaintiff on November 22, 2010. His motion to compel will be denied.

Because this is plaintiff's second meritless and unnecessary motion to compel discovery, he is cautioned to think carefully before filing another motion to compel. Plaintiff may be subject to sanctions if he filed a third meritless motion to compel.

ORDER

IT IS ORDERED that plaintiff Robert W. Tessen's second to compel discovery, dkt. 32 is DENIED.

Entered this 6th day of December, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge