

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

SAMUEL UPTHEGROVE,

Plaintiff,

v.

ALLEN PULVER,

Defendant.

ORDER

10-cv-469-slc

Plaintiff Samuel Upthegrove is proceeding on a claim that defendant Allen Pulver violated his First Amendment rights by refusing to deliver catalogs plaintiff ordered from outside the prison. Defendant has filed a motion for summary judgment. Plaintiff has filed a motion to stay the case, or alternatively for an extension of time to file his response, because the law library at the Wisconsin Resource Center, where plaintiff is currently housed, does not provide access to federal case law.

Defendants have responded, stating that plaintiff is incorrect. They include an affidavit of a librarian at WRC, who explains that the facility's library includes Federal Reporter booklets and that inmates have access to Westlaw services that include federal cases. Given this information, I will deny plaintiff's motion insofar as he seeks a stay, but grant the motion in part to the extent that he seeks an extension of time to file in his summary judgment response. Plaintiff should have no problem completing his response in fourteen more days in light of the extension of time he received unofficially while his motion was pending.

Finally, I note that the WRC librarian's averments regarding the resources available to plaintiff match this court's understanding of WDOC's library system. Previous plaintiffs at WRC have not had problems accessing federal case law. If plaintiff continue to dispute whether

federal case law is available to him, he will need to provide documentation showing what items he has properly sought but was unable to obtain.

ORDER

IT IS ORDERED that plaintiff Samuel Upthegrove's motion for a stay of the case or extension of time to file his summary judgment response is GRANTED in part; he may have until August 12, 2011 to file his summary judgment response; defendant may have until August 22, 2011 to file his reply.

Entered this 29th day of July, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge