

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

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TIMOTHY FRANCIS RIPP,

Plaintiff,

v.

JANET NICKEL, MARC CLEMENTS,  
GREGORY GRAMS, AL MORRIS, and  
ANTHONY ASHWORTH,

Defendants.

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ORDER

10-cv-492-bbc

For the second time in this case, plaintiff has moved for a 30 day extension of time to file his response to defendants' motion for summary judgment. In his first motion, plaintiff asked the court to extend the response deadline because he says he needed additional law library time. In an order entered on July 12, 2011, I granted plaintiff an additional three weeks from his original due date and explained to him that his inability to make frequent trips to the law library should not interfere with his ability to litigate this case. I encouraged plaintiff to focus on the factual evidence obtained through discovery in preparing his summary judgment response. The briefing schedule was modified to allow plaintiff until July 27, 2011, in which to oppose defendants motion.

On July 27, instead of filing his opposition materials, plaintiff filed a second motion for a 30 day extension of time, again arguing that he had not received adequate time in the law library to research and prepare his response.

As I stated in the preliminary pretrial conference order, extensions of the deadline for filing a brief in opposition to a motion for summary judgment are not given unless you can convince the court that something totally unfair happened that actually prevented you from meeting your deadline. The specific section states:

Because it is very hard for a pro se party to prepare everything needed to respond to a summary judgment motion, the court will give you about 30 calendar days to file every part of your response and to serve it on the opposing attorney. The court will send you a notice with a specific deadline for your response but do not wait to get this notice to begin preparing your response. . . . The court will provide a specific deadline in its briefing notice.

**BE AWARE: you are not going to get an extension of this 30 day deadline.** The only way to get more time would be if you can convince the court that something totally unfair happened that actually prevented you from meeting your deadline, and this was completely somebody else's fault. Some things that might seem unfair to you are **not** reasons to get more time. For example, you will not get more time just because you claim that you did not have enough time or money to make copies. You will not get more time if you waited too long to get all the information you think you need to respond to the motion.

Dkt. 13 at 6 (emphasis in original).

The pretrial order makes clear that extensions of time regarding a response to a summary judgment motion are granted in very limited circumstances, none of which apply to plaintiff. It may be that plaintiff is not able to spend as much time as he would like in the law library, however, I cannot find this to actually be preventing plaintiff from meeting the response deadline. In addition, plaintiff has already had over 45 days to prepare and submit his response.

I do not intend to delay resolution of defendants' motion for another 30 days. However, plaintiff's deadline to respond to the motion has already passed. Therefore, I will provide plaintiff a slight reprieve by stretching his response deadline to August 9, 2011. Defendants will have until August 19, 2011, to file their reply. Plaintiff should use this time wisely; no further extensions will be granted.

ORDER

IT IS ORDERED that plaintiff's second motion for an extension of time to file his brief in opposition to defendants motion for summary judgment, dkt. 29, is DENIED. However, plaintiff's summary judgment response deadline is moved to August 9, 2011. Defendants may have until August 19, 2011 in which to file their reply.

Entered this 29<sup>th</sup> day of July, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge