

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

ANTONIO EDWARDS,

Plaintiff,

ORDER

v.

10-cv-722-wmc

STEVE HELGERSON, *et al.*,

Defendants.

On January 7, 2011, this court screened plaintiff's complaint and granted his request for leave to proceed on his Eighth Amendment deliberate indifference claims that defendants failed to provide him with adequate medical treatment for a separated shoulder. On May 9, 2011, defendants moved for summary judgment on the ground that plaintiff had failed to exhaust his administrative remedies. Under the terms of the April 8, 2011 preliminary pretrial conference order, plaintiff was given a deadline of May 23 to file his response. Instead, he filed a motion for an extension of time to file his brief in opposition because he says he has no legal training and requires the assistance of counsel or of a jailhouse lawyer to prepare his response.

I understand why plaintiff prefers the reassurance of a jailhouse lawyer in preparing his response to the motion for summary judgment, but plaintiff should not need the help of another inmate to know whether plaintiff adequately pursued the remedies available to him within the institution before he filed his lawsuit in this court. Plaintiff does not need to perform legal research in order to respond to defendants' argument that he has failed to exhaust his administrative remedies. Rather, plaintiff should focus on the factual record by gathering the documents showing that he fully exhausted his administrative remedies.

The law in the Seventh Circuit governing administrative exhaustion under 42 U.S.C. § 1997e is clear: if the factual record reveals that plaintiff did not file inmate complaints and did not pursue the course of administrative appeals required by the Department of Corrections with respect to any of his claims, then plaintiff's complaint will have to be dismissed as to those claims. Therefore, if plaintiff has evidence showing that he fully exhausted his administrative remedies as to any of the claims that defendants contend he failed to exhaust, then he should promptly submit copies of those records to the court.

Because plaintiff's deadline is looming, I will grant plaintiff's request for an extension of time. Plaintiff may have until June 6, 2011 to file his response to defendants' motion for partial summary judgment. Defendants may have until June 13, 2011 to reply.

ORDER

IT IS ORDERED that plaintiff's motion for an extension of time to file his brief in opposition to defendant's motion for summary judgment, dkt. # 22, is GRANTED. Plaintiff's brief in opposition is to be filed by June 6, 2011 and defendant's reply brief is to be filed by June 13, 2011.

Entered this 19th day of May, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge