

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

ROY MITCHELL,

Plaintiff,

v.

SHERIFF SERGEANT MR. PAT PRICE, *et al.*,

Defendants.

OPINION and ORDER

11-cv-260-wmc

Plaintiff Roy Mitchell is proceeding in this case on her¹ claims that defendants Koehler, Price, Algiers, Johnson, Werkherse and Wilson, employees at the Dane County Jail, violated her equal protection rights because of plaintiff's transgender lifestyle, that defendant Wilson used excessive force against plaintiff and that defendant Koehler defamed plaintiff by labeling her as a "Hermaphrodite." On December 11, 2012, I issued an order granting in part and denying in part several motions to compel discovery filed by plaintiff.

On January 7, 2013, plaintiff filed two new motions to compel defendants' compliance with the December 11 order and asking for sanctions. Defendants report that they submitted responses on January 8, 2013. Accordingly, the motions to compel will be denied as moot. I will also deny the motions for sanctions, as the responses were sent within a reasonable time.

Finally, I note that plaintiff may not have received these materials because she was recently released from custody. Defendants indicate that they sent materials to plaintiff at the Columbia Correctional Institution; after learning from the prison that she had been released. Defendants have promised to re-send their discovery responses as soon as they receive a new address for plaintiff. Plaintiff's new address was updated on the docket on January 9, 2013; if

¹ At plaintiff's request, the court will refer to plaintiff using female pronouns.

defendants have not yet submitted their responses to the new address, they must do so forthwith.

ORDER

It is ORDERED that plaintiff Roy Mitchell's motions to compel discovery and for sanctions against defendants, dkt. 127 & 128, are DENIED.

Entered this 25th day of January, 2013.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge