

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

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DWIGHT A. WILLIAMS,

Plaintiff,

v.

RICHARD A. RAEMISCH, DAVID J. MAHONY,  
IC SOLUTIONS, CONSOLIDATED FOODS INC.,  
CORRECT CARE SOLUTIONS INC.,  
CAPT. TEUSCHER, LT. TWOMBLY, LT. PIERCE,  
SGT. PRICE, SGT. TURK, SGT. FLERES,  
SGT. ELVE, SGT. EDENS, SGT. LINDSLEY,  
TRACI ROBERTS, M. STONER,  
G. BROCKMEYER, S. KOWALSKI,  
DR. WIESSE, NURSE ALLISON and NURSE TAMARA,

Defendants.

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ORDER

11-cv-721-slc

Plaintiff Dwight Williams has filed a motion for enlargement of time to respond to defendant Raemisch's motion for judgment on the pleadings. In support of his motion, plaintiff says that he is conducting discovery and needs adequate time to obtain and review documents related to his claims in this case.

Although plaintiff believes discovery to be necessary in order to respond to defendant Raemisch's motion, this is not so. A motion for judgment on the pleadings is a party's request that the court find in his or her favor based on the pleadings alone—the complaint, the answers, counterclaims, cross-claims and replies—filed with the court. Here, Raemisch claims that plaintiff's complaint, even if assumed to be completely true, does not contain facts that actually state a cause of action. This claim has nothing to do with evidence, it has to do with what plaintiff has stated in his complaint. Instead of gathering and submitting new evidence, plaintiff should focus on opposing the motion, either with an explanation of why his complaint meets the pleading standards or by asking for leave to file an amended complaint to correct the alleged

defects. Because the deadline for plaintiff to respond to defendant Raemisch's motion has already passed, I will allow plaintiff a short extension of time, until September 21, 2012, to respond to the motion. Defendant Raemisch will have until September 28, 2012 in which to file a reply.

#### ORDER

IT IS ORDERED that plaintiff Dwight Williams's motion for an extension of time to respond to defendant Raemisch's motion for judgment on the pleadings, dkt. #58 is GRANTED in part. Plaintiff may have until September 20, 2012 in which to respond to the motion for judgment on the pleadings. Defendant Raemisch's reply is due no later than September 27, 2012.

Entered this 11<sup>th</sup> day of September, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge