

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

WILLIE SIMPSON,

Plaintiff,

v.

ORDER

11-cv-851-bbc

WSPF Warden TIMOTHY HAINES,
THOMAS BELZ, KEITH WEIGAL,
TIMOTHY JONES, CO JONES,
MICHAEL COCKCROFT, TODD BRUDOS,
DAN ESSER, SUSAN GALLINGER,
CO SCULLION, CO BROWN, SGT. BRINKMAN,
SGT. WALLACE and JOLENDIA WATERMAN,

Defendants.

In this case, plaintiff Willie Simpson is proceeding on Eighth Amendment conditions of confinement, excessive force, failure to protect, and medical care claims against defendant prison personnel. In the April 2, 2012 screening order in this case, Judge Barbra Crabb set briefing on plaintiff's motion for preliminary injunctive relief, giving plaintiff until April 20 to submit his materials supporting the motion. Rather than submit these materials, plaintiff filed a motion for an extension of time, arguing that he needed to obtain documents in discovery before submitting his materials. Plaintiff then followed up on June 21, 2012 with his materials.

It is understandable that plaintiff needed more time to conduct discovery, so I will grant his motion for an extension of time to submit his materials in support of his motion. In addition, now that he has provided these materials, a new deadline can be set for defendants to submit their materials in response. They may have until July 24, 2012 to do so.

Also, before the court held a preliminary pretrial conference in the case, plaintiff filed a motion for the court to allow him to conduct discovery. However, now that the court has held

a pretrial conference and received plaintiff's materials in support of his motion for preliminary injunctive relief, that request appears to be moot and will therefore be denied.

Finally, plaintiff has submitted a motion for sanctions against defendants for "willfully withhold[ing] plaintiff's submissions to the court." In support, he provides an affidavit stating that he gave his materials in support of his preliminary injunction motion to the business office to copy, but that there was a delay in their return. Because plaintiff was able to submit copies of these documents to the court only a week later, I conclude that defendants did not engage in sanctionable conduct. Accordingly, the motion for sanctions will be denied.

ORDER

It is ORDERED that:

1. Plaintiff Willie Simpson's motion for an extension of time to file his materials in support of his motion for preliminary injunctive relief, dkt. 15, is GRANTED.
2. Defendants may now have until July 24, 2012 to submit their response to plaintiff's motion for preliminary injunctive relief.
3. Plaintiff's motion for discovery order, dkt. 17, is DENIED as moot.
4. Plaintiff's motion for sanctions, dkt. 22, is DENIED.

Entered this 3rd day of July, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge