

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

JESSIE WILLIAMS,

Plaintiff,

v.

RALPH FROELICH,

Defendant.

MEMORANDUM

13-cv-247-bbc

In an order dated July 17, 2014, I granted as unopposed defendant Ralph Froelich's motion for summary judgment on plaintiff Jessie Williams's claim that defendant refused to prescribe medication for plaintiff's mental illness, in violation of the Eighth Amendment. Dkt. #23. The same day I entered judgment in favor of defendant and closed the case. Dkt. #24.

Now plaintiff has filed summary judgment materials, more than two months after the deadline, without explaining the reason for the delay. The filings are mysterious in other ways as well. The return address on the envelope identifies the sender as "Rodney Collins," not plaintiff, though plaintiff's name is signed on the documents inside the envelope. It has two postmarks on it, one dated April 18, 2014 (the same day that defendant filed his summary judgment motion) and one dated July 24, 2014. Most of the documents inside are not dated, but an affidavit is dated as "June 2014" without specifying a particular date.

Even if I treated plaintiff's submissions as timely, they would not change the result in this case. Plaintiff says that defendant refused to prescribe a drug that plaintiff requested, but that is not enough to prove an Eighth Amendment violation. Rather, plaintiff must show that defendant's "decision is such a substantial departure from accepted professional judgment, practice, or standards as to demonstrate that the person responsible did not base the decision on such a judgment." King v. Kramer, 680 F.3d 1013, 1018 (7th Cir. 2012). Because plaintiff has not cited any evidence that would meet the standard under King, I conclude that the materials plaintiff filed do not require the judgment in this case to be altered.

Entered this 30th day of July, 2014.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge