

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

ROBERT L. COLLINS BEY,

Plaintiff,

v.

TIM HAINES, PETER HUIBREGTSE,
MICHAEL MEISNER, TONY ASHWORTH,
MARY MILLER, CINDY SAWINSKI,
KAREN ANDERSON, CYNTHIA M. THORPE,
DR. JAMES THORPE, DR. JAMES WOMMACK,
DR. WILLIAM GISWOLD and TOM BOSTON,

Defendants.

ORDER

13-cv-618-bbc

In this case, plaintiff Robert L. Collins Bey, an inmate housed at the Wisconsin Secure Program Facility, is proceeding on Eighth Amendment deliberate indifference and state law negligence claims regarding defendant prison officials' alleged failure to provide him with adequate dental care. Briefing had been set on plaintiff's motion for preliminary injunctive relief, but the briefing deadlines passed without plaintiff's filing any proposed findings of fact as required by this court's procedures. The reason for this seemed to be a dispute between the parties regarding plaintiff's dental records. Magistrate Judge Stephen Crocker issued two orders discussing the discovery issues and resetting the briefing schedule for plaintiff's motion for preliminary injunctive relief. Dkt. ##24, 26. Plaintiff was given until May 12, 2014 to submit his brief and supporting materials.

Now plaintiff has filed a motion for extension of time to file these materials, stating that prison staff is not allowing him adequate law library time. I will give defendants a short time to file a response to plaintiff's allegations about his law library time. With regard to the briefing schedule itself, I see no reason to continue to issue extensions of time in a situation in which the moving party has not yet filed his brief in chief. The court set a briefing schedule on plaintiff's request for injunctive relief because he is alleging that he is in imminent danger of serious physical harm, but there is little reason to force plaintiff to follow a briefing schedule on the motion when he is not ready to do so, and then litigate motion after motion with regard to the schedule. I conclude that the more prudent route is to deny without prejudice plaintiff's motion for preliminary injunctive relief along with his motion for an extension of the briefing schedule. Plaintiff remains free to file a new motion for preliminary injunctive relief when he is ready to do so, keeping in mind that the point of such a motion is to grant immediate provisional relief at the beginning of the litigation. There will be no point to filing such a motion as the case approaches the summary judgment or trial stage because at that point, the parties will be litigating plaintiff's request for more permanent injunctive relief.

ORDER

IT IS ORDERED that

1. Plaintiff Robert Collins Bey's motion for preliminary injunctive relief, dkt. # 1, is DENIED without prejudice to plaintiff's refiling his motion at a later date.
2. Plaintiff's motion for an extension of the briefing schedule on his motion for

preliminary injunctive relief, dkt. #27, is DENIED.

3. Defendants may have until May 16, 2014 to respond to plaintiff's allegations that he is being denied adequate law library time.

Entered this 9th day of May, 2014.

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