

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

GLENN M. DAVIS,

Plaintiff,

v.

STATE OF WISCONSIN, *et al.*,

Defendants.

ORDER

13-cv-332-wmc

Plaintiff Glenn M. Davis is presently in state custody at the Milwaukee Secure Detention Facility following the revocation of his supervised release. He now appears to seek injunctive relief and money damages for violations of his constitutional right to access the courts pursuant to 42 U.S.C. § 1983. On May 16, 2013, the court ordered plaintiff to correct certain deficiencies in his pleadings. Dkt. # 2. In particular, the court instructed plaintiff to (1) either pay the filing fee or submit a motion for leave to proceed *in forma pauperis*, along with a copy of his inmate trust fund account statement; and (2) to re-submit his claims on an approved complaint form for use by prisoners. The court notified plaintiff that his failure to comply as directed by June 14, 2013, would result in dismissal without prejudice. *See* FED. R. CIV. P. 41(b).

Plaintiff has now filed a cursory motion for summary judgment in his favour, which consists of one paragraph and purports to seek monetary damages in the amount of \$45 million for interference with his efforts to file a motion for new trial or direct appeal from his underlying conviction. Still, plaintiff has yet to comply with the court's

order of May 16, 2013, and he has not yet corrected the above-referenced pleading deficiencies.

If these deficiencies were corrected, the court would then be required to screen the complaint pursuant to the Prison Litigation Reform Act, 28 U.S.C. § 1915A, to determine whether it is frivolous or malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief. Until plaintiff corrects his deficient pleadings and the court screens his complaint for purposes of the PLRA, however, his motion for summary judgment is premature and will be denied for that reason.

Accordingly, IT IS ORDERED that plaintiff's motion for summary judgment (Dkt. # 5) is DENIED without prejudice to reconsideration at a later time. Plaintiff may re-file his motion *after* he corrects the deficiencies in his pleadings and the court has completed the screening process as required by 28 U.S.C. § 1915A.

Entered this 26th day of June, 2013.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge