

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

JERRY CHARLES,

Plaintiff,

v.

MATTHEW J. FRANK, JON LITSCHER,
and DICK VERHAGAN,

Defendants.

ORDER

02-C-0626-C

Plaintiff has asked for suspension of the January 5, 2004 deadline within which he is to respond to defendants' second motion for summary judgment. He explains that he was placed in disciplinary segregation for 90 days after having received a major conduct report and that he "can't get to [his] legal works & supplies." Defendants do not object to plaintiff's request.

Although I am willing to extend the schedule for briefing defendants' motion, I am not willing to delay resolution of the motion for 90 days. Although I am aware that a prisoner's placement in segregation means that his access to a law library is restricted, I am unfamiliar with any segregation status of more than 7 days' duration that completely

prohibits a prisoner's access to legal papers he needs to meet established court deadlines. I am enclosing to plaintiff with a copy of this order a copy of defendants' brief, proposed findings of fact and affidavit of Richard Schneider, which defendants submitted in support of their second motion. The only question to be resolved on the motion is whether defendants have shown that prohibiting plaintiff from wearing his Dikhr beads furthers a compelling government interest and is the least restrictive means of furthering that interest. Even with limited access to his legal papers, plaintiff should be able to respond within three weeks to these arguments and the few facts defendants have proposed.

ORDER

IT IS ORDERED that plaintiff may have an enlargement of time to January 26, 2004, in which to oppose defendants' second motion for summary judgment. Defendants may have until February 6, 2004, in which to serve and file a reply.

Entered this 29th day of December, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge