

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

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ERIC W. POIRIER,

Plaintiff,

v.

JAMES E. DOYLE, JAMES SCHANSBERG,  
KEITH CRIVELLO, DIANE NELSON,  
CHERYL R. SCHINDLER, WILLIAM R.  
GLASS and MARY REPPE,

Defendants.  
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OPINION AND  
ORDER

00-C-0382-C

Pro se plaintiff Eric W. Poirier is an inmate at Racine Correctional Institution. He filed a complaint in the United States District Court for the Eastern District of Wisconsin in which he sought leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. In an order entered on February 3, 2000, Judge Lynn Adelman granted plaintiff leave to proceed in forma pauperis on his claims that (1) on two occasions, his parole was revoked in violation of the double jeopardy clause for charges for which he was acquitted by a jury; (2) his second parole revocation violated the double jeopardy clause because it was based on the same conduct that served as the basis of his first revocation and the criminal complaint filed in Rusk County; and

(3) the prosecution of a criminal complaint in Rusk County violated the double jeopardy clause because he was charged with the same crime in Chippewa County. In an order entered June 22, 2000, I denied plaintiff's motion to reconsider Judge Adelman's dismissal of certain claims against certain defendants.

In a letter dated December 6, 2000, plaintiff requests additional time to respond to the motion of defendants James Doyle, James Schansberg, Keith Crivello, Cheryl Schindler and Diane Nelson to dismiss because his legal mail was delayed. Plaintiff also requests a hearing on the motion because he does not have the money to file a brief. In a letter dated December 8, 2000, plaintiff contends that the motion of defendants William Glass and Mary Reppe for summary judgment should be dismissed because the caption states "United States District Court Eastern District of Wisconsin" instead of "United States District Court Western District of Wisconsin" and that it took 11 days for him to receive the motion. Plaintiff requests a hearing on his request for dismissal of defendants' motion for summary judgment.

Defendants' motion for summary judgment will not be dismissed because of the incorrect caption; however, defendants are advised to correct the caption in future filings in this court. Plaintiff's request for an extension of time in which to respond to defendants' motions will be granted. Plaintiff's response to both of defendants' motions will be due on January 2, 2001, instead of December 20, 2001. Defendants' reply as to both motions will be due on

January 12, 2001, instead of January 2, 2001.

Plaintiff's requests for hearings will be denied as to both motions because he failed to present any compelling reason to demonstrate why a hearing is necessary at this time. Plaintiff's requests for extensions of his deadlines will be granted. His request that defendants' summary judgment motion be dismissed because of the incorrect caption does not warrant a hearing. His contention that he needs a hearing because he lacks the money to file a brief is similarly unpersuasive; he has not specify what expense he is unable to afford that is necessary to file a responsive brief in this case.

Plaintiff has filed a document entitled "Motion for Publication under Fed. R. Civ. P. 22.07." Fed. R. Civ. P. 22 does not provide authority for plaintiff's request; Rule 22 governs interpleader actions in civil cases. Furthermore, it is unclear exactly what plaintiff is asking this court to do. As a result, his request will be denied.

#### ORDER

IT IS ORDERED that

1. Plaintiff Eric Poirier's request for extensions is GRANTED. Plaintiff's brief in opposition to the motion of defendants James Doyle, James Schansberg, Keith Crivello, Cheryl Schindler and Diane Nelson to dismiss is due January 2, 2001, and defendants' reply is due

January 12, 2001. Plaintiff's brief in opposition to the motion of defendants William Glass and Mary Reppe for summary judgment is due January 2, 2001 and defendants' reply is due January 12, 2001;

2. Plaintiff's request for a hearing is DENIED;

3. Plaintiff's request that defendants' motion for summary judgment be dismissed is DENIED; and

4. Plaintiff's motion for publication is DENIED.

Entered this 19th day of December, 2000.

BY THE COURT:

BARBARA B. CRABB  
District Judge