

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

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DRAKE A. SHEAD,

Plaintiff,

v.

WARDEN STIFF, Oxford F.C.I.;  
Camp Ad. LINNETTE RITTER; and  
Camp Case Mgr. CHERRI COMSTOCK,

Defendants.  
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ORDER

03-C-447-C

When plaintiff failed to oppose defendants' motion for summary judgment in this case, the court issued an order dated September 1, 2004, advising plaintiff of the consequences of failing to respond and allowing him until September 15, 2004, in which to submit proposed findings of fact and evidentiary materials responding to defendants' submissions in support of the motion. I noted also that plaintiff had not participated in the preliminary pretrial conference held before the magistrate judge on March 11, 2004, and had not communicated with this court about his case since August 2003, when he filed his complaint. I advised plaintiff that if, by September 15, he failed to oppose defendants' motion, I would direct the clerk of court to enter judgment in favor of the defendants and

close this case for plaintiff's failure to prosecute.

Now plaintiff has written the court a letter dated September 13, 2004, in which he indicates that he has been released from prison and is working three jobs to care for his family. He states that he is "in the process of hiring a lawyer" with the law firm of Davis and Gelshenen in Chicago, Illinois, and that he will need another 30 days to allow his lawyers to "gather additional information to help [his] cause." He states that it was his plan to wire a retainer to the firm on September 16, 2004. Plaintiff attaches to his letter a copy of a flyer he received from the Davis and Gelshenen law firm soliciting business for personal injury cases.

Defendant has neglected this case for over a year. I am not inclined to give him a lengthy continuance to start looking for a lawyer at this late date. Therefore, I will not grant plaintiff a 30-day extension of the deadline for opposing defendants' motion for summary judgment unless he has been successful in retaining a lawyer and that lawyer enters an appearance in the case no later than Friday, October 1, 2004.

#### ORDER

IT IS ORDERED that

1. The order entered in this case on September 1, 2004, directing the clerk of court

to enter judgment in favor of the defendants is STAYED until October 1, 2004.

2. If, by October 1, 2004, plaintiff's lawyer has not entered his or her appearance in this case, the clerk shall enter judgment in favor of the defendants, dismissing this case with prejudice, for plaintiff's failure to prosecute.

Entered this 20th day of September, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge