

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

GARRY A. BORZYCH,

Plaintiff,

ORDER

v.

03-C-575-C

MATTHEW J. FRANK, Secretary.
Wisconsin Department of Corrections, *et al.*,

Defendants.

This is a prisoner First Amendment/RLUIIP lawsuit in which plaintiff challenges defendants' seizure and banning of Wotanist texts that plaintiff claims are necessary for his religion. Before the court is plaintiff's request to extend the deadline for filing summary judgment motions from June 17, 2004 to August 1, 2004. I am granting the motion in part: the new deadline for filing motions is July 2, 2004.

With a firm October 25, 2004 trial date and a 38 day total briefing cycle on summary judgment motions (I am reducing the response deadline to 28 days), it will be difficult for the court to rule on summary judgment motions even with this two week extension of the deadline. Moving the deadline to August 1 virtually would guarantee that the court could not decide the motions before trial.

Plaintiff explains that he intends to file his own summary judgment motion but that he is behind schedule because the parties delayed discovery in this case to attempt to

negotiate a settlement. Although this court commends bona fide settlement efforts in any case, settlement attempts are not a sufficient basis to move deadlines. The preliminary pretrial conference order spelled out for both sides the importance of staying on top of discovery in order to be prepared for the summary judgment motion deadline.

Plaintiff also would like more time so that he may learn if the court will grant his April 29, 2004 motion for appointment of counsel. The court denied that motion yesterday, finding that plaintiff is sufficiently intelligent and articulate to prosecute his lawsuit pro se.

Finally, plaintiff suggests that the extension is necessary "To not burden the Court of Appeals." Whatever plaintiff means by this, it is not a reason to extend the summary judgment motion deadline.

Accordingly, it is ordered that plaintiff's motion to extend is granted in part and the summary judgment deadline is extended to July 2, 2004. Responses from either side must be filed and served not later than July 30, 2004 with replies filed and served not later than August 9, 2004. There shall be no additional extensions of these deadlines.

Entered this 14th day of May, 2004.

BY THE COURT:

STEPHEN L. CROCKER
Magistrate Judge