

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

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TOMAS ROBINSON,

Plaintiff,

v.

DIANE FERGOT,

Defendant.

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ORDER

04-C-193-C

Plaintiff Tomas Robinson is a patient at the Wisconsin Resource Center in Winnebago, Wisconsin. He has been involuntarily committed as a “sexually violent person” under chapter 980 of the Wisconsin Statutes. He is proceeding pro se on his claim that defendant’s “72-hour seclusion and 60-day disciplinary program” is unconstitutional. On October 14, 2004, defendant moved for summary judgment. According to the schedule set in Magistrate Judge Stephen Crocker’s April 22, 2004 preliminary pretrial conference order, plaintiff had until November 15, 2004, in which to oppose the motion. Instead of opposing the motion, plaintiff has filed a “Motion for Oral Argument.” This motion will be denied.

This is a straightforward case in which defendant admits in her proposed findings of fact that plaintiff was held in “72-hour seclusion status” longer than he would have been held

in that status had the 72 hours ended on a week day. In addition, defendant appears to admit that plaintiff was subjected to a level program as a disciplinary measure. In requesting oral argument, plaintiff says that he cannot properly respond on paper to defendant's proposed findings of fact, but he does not explain why. He simply asserts that he believes he would be more "confident and successful" in presenting his case through oral argument. However, the issues do not appear to require clarification through oral argument. Defendant's motion will be decided on the basis of the undisputed material facts proposed by the parties and the legal arguments made in the briefs.

That said, I note that plaintiff's deadline for opposing defendant's motion has passed and that plaintiff has filed nothing other than his motion for oral argument. Because he may have presumed his motion would be granted, I will give him two weeks in which to file written submissions. Plaintiff should concentrate his efforts on responding to each of defendant's proposed findings of fact. Plaintiff is reminded that he is to either admit or deny each fact proposed. If he denies a fact, he must state his version of the fact and point to evidence in the record that supports his version. It is not important for plaintiff to make legal arguments in opposition to defendant's motion.

#### ORDER

IT IS ORDERED that plaintiff's motion for oral argument is DENIED.

Further, IT IS ORDERED that plaintiff may have an enlargement of time until December 1, 2004, in which to oppose defendant's motion for summary judgment. Defendant may have an enlargement of time to December 10, 2004, in which to serve and file a reply.

Entered this 17th day of November, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge