

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

LUIS A. RAMIREZ,

Plaintiff,

v.

GARY R. McCAUGHTRY, MATTHEW
FRANK, CURT JANSEN, STEVEN
SCHUELER, MARC CLEMENTS and
STEVEN CASPERSON,

Defendants.

ORDER

04-C-335-C

Plaintiff has filed a "Request for Oral Argument" dated February 16, 2005. In this document, plaintiff states that he has been given until March 14, 2005, in which to oppose defendants' motion for summary judgment. However, he was separated from his legal papers for three days to attend court proceedings in Milwaukee County and is scheduled for another court appearance on Monday, March 14, 2005, which means he will be transported to Milwaukee County on Friday, March 11, 2005. Finally, plaintiff states that he is scheduled to begin a jury trial in Dodge County on March 16, 2005. For these reasons, plaintiff asks that he be permitted to respond to defendants' motion with oral argument rather than with

written submissions. The request will be denied.

Oral argument will not work as a substitute for plaintiff's written response to defendants' motion. The whole point of a motion for summary judgment is to allow the court to resolve part or all of a case on the basis of documentary evidence submitted by the parties showing that there is no dispute as to any material fact. When this court sets the schedule for briefing motions for summary judgment in prisoner cases, it takes into account the fact that prisoner litigants often encounter obstacles in preparing their documents for submission. Non-prisoners are allowed a 21-day response period. Prisoners are allowed 30 days to respond. Thus, although plaintiff Ramirez will forfeit a total of six of his 30 days in travel to and from state court, he still will have had 24 days in which to prepare his response to defendants' motion. Assuming he is diligent, he should be able to complete this task before he is transported to Milwaukee County on March 11.

ORDER

IT IS ORDERED that plaintiff's "Request for Oral Argument" is DENIED.

Entered this 1st day of March, 2005.

BY THE COURT:

BARBARA B. CRABB
District Judge