

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

DATHAN BEAN,

Plaintiff,

v.

SANDRA HAUTAMAKI, JEFFREY P.
ENDICOTT and KELLY MUESKE,

Defendants.

OPINION AND
ORDER

04-C-447-C

Apparently not understanding the purpose of motions for summary judgment, plaintiff Dathan Bean has filed a document titled "Motion for Summary Judgment," which is unaccompanied by any brief, proposed findings of fact or evidentiary materials. The motion will be denied as premature.

At the outset, I note that plaintiff does not indicate that he served his motion on counsel for the defendants, Assistant Attorney General John Glinski, as he is required to do pursuant to Fed. R. Civ. P. 5. Therefore, I am enclosing a copy of the motion to counsel with this order. In the future, however, I will not consider any document plaintiff files that does not clearly show that he has mailed a copy to Mr. Glinski.

As for plaintiff's motion for summary judgment, it is far too early for plaintiff to know what material facts are disputed or not disputed. This case is in its earliest stage. A preliminary pretrial conference has been scheduled for November 4, 2004, before Magistrate Judge Stephen Crocker. At the conference, the magistrate judge will set a deadline for filing dispositive motions, such as motions for summary judgment. He will explain to plaintiff under what circumstances a motion for summary judgment is proper and he will provide plaintiff with a copy of this court's procedures to be followed on motions for summary judgment should he plan on filing such a motion. Plaintiff is free to renew his motion by the deadline the magistrate judge sets if circumstances warrant the filing of such a motion.

ORDER

IT IS ORDERED that plaintiff's motion for summary judgment is DENIED as premature.

Entered this 28th day of October, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge