

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

EDWIN F. CLAY,

Plaintiff,

v.

JOSEPH SCIBANA, Warden,

Defendant.

ORDER

04-C-631-C

Defendant has moved for an enlargement of time in which to file a response to plaintiff's complaint challenging the validity of the Bureau of Prisons' decision to deduct 50% of his income each month for restitution. According to Steven Pray O'Connor, the Assistant United States Attorney assigned to represent the defendant in this case, a request for a "litigation report" was sent to the Bureau of Prisons on March 4, 2005. This report is necessary to assist counsel in preparing defendant's response to the complaint. Unfortunately, counsel did not notice that the report had not been submitted as requested and that defendant's response was overdue until he received a copy of a letter plaintiff sent to this court inquiring about the status of the case. Mr. O'Connor states that he has learned that he will have the report no later than April 28, 2005. He requests an extension of time

to Friday, April 29, 2005, in which to file defendant's response. The request will be granted.

This case does not involve allegations of an ongoing constitutional violation that cannot be rectified with money damages. Therefore, plaintiff will suffer no prejudice by a delay of eleven days in receiving defendant's response.

ORDER

IT IS ORDERED that defendant's motion for an enlargement of time to April 29, 2005, in which to serve and file a response to plaintiff's complaint in this case is GRANTED.

Entered this 27th day of April, 2005.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge