

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

NATHANIEL ALLEN LINDELL,

Plaintiff,

v.

ORDER

05-C-003-C

PETER HUIBREGTSE; GARY BOUGHTON;
STEVEN HOUSER; CAPTAINS STEVE
SCHUELER, THOMAS CORE, KURT LINJER,
GILBERG and GARY BLACKBOURN; C.O.
LANGE and SGT. CARPENTER,

Defendants.

This is a civil action in which plaintiff contends that defendants conspired to harm him in retaliation for his religious and philosophical views. Before the court is defendants' motion for clarification of the September 23, 2005 order in this case. In their motion, defendants ask the court to clarify whether it views plaintiff's conspiracy claim as one arising under the equal protection clause (as indicated in the court's March 8, 2005 order) or under the First Amendment (as indicated in the court's September 23, 2005 order). Because Judge Crabb is out of the country until October 19, 2005, she cannot respond to the motion at this time. Defendants' question will be answered in conjunction with the court's ruling on

defendants' motion for summary judgment.

Defendants' motion also seeks an extension of the deadlines for disclosing experts and filing dispositive motions, which I can address forthwith. On September 8, 2005, defendants filed a similar motion to stay their deadlines until the court ruled on their pending motion to dismiss for failure to exhaust. I granted their motion and extended defendants' deadline for disclosing experts to October 11, 2005 and set the deadline for all dispositive motions at October 24, 2005.

On September 23, 2005, the court converted defendants' motion to dismiss to a motion for summary judgment. The parties have been given until October 7, 2005 by which to submit supplemental materials relevant to that motion. In light of the additional briefing necessitated by the court's order, I will extend the deadline for filing dispositive motions to November 14, 2005.

I will not, however, extend the deadline for disclosure of expert witnesses. Plaintiff alleges that defendants issued him three false conduct reports, numbers 1230298, 1335594, and 1351662 because they disapproved of his religious and philosophical beliefs. The characterization of his legal theory does not affect the facts at issue in this case and accordingly will not affect defendants' choice of expert witnesses. The October 7, 2005

deadline for disclose of expert witnesses stands.

ORDER

IT IS ORDERED THAT

1. Defendants' motion for clarification of the precise legal theory under which plaintiff is proceeding is STAYED pending Judge Crabb's return on October 19, 2005.

2. Defendants' request for an extension of the deadline for filing dispositive motions is GRANTED. Dispositive motions will be due November 14, 2005.

3. Defendants' request for an extension of the deadline for disclosing expert witnesses is DENIED. Expert witnesses must be disclosed by October 7, 2005.

Entered this 4th day of October, 2005.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge