

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

ROGER DALE GODWIN,

Plaintiff,

v.

JIM SUTTON and MATTHEW FRANKS,

Defendants.

ORDER

05-C-493-C

On October 3, 2005, plaintiff filed a document titled "Petitioner's Motion Demanding a Trial." In addition, plaintiff has filed a letter dated October 17, 2005, asking for information about what will take place at the preliminary pretrial conference to be held in this case on November 9, 2005. Neither of these documents bear an indication that plaintiff mailed a copy to Assistant Attorney General Diane Milligan, who is representing the defendants. When I granted plaintiff leave to proceed in forma pauperis in this case on September 12, 2005, I told him that for the remainder of the lawsuit, he was to send a copy of his submissions to the defendants until he learned the name of the defendants' lawyer, and from that point on, he was to send a copy of his submissions to the lawyer. Ms. Milligan filed and served a notice of appearance as defendants' lawyer on September 23,

2005. Although I am on this one occasion making copies of plaintiff's submissions and sending them to Ms. Milligan with a copy of this order, I will not make this accommodation for plaintiff in the future. Plaintiff should be clear that if he fails to send a copy of his filings to Ms. Milligan and show clearly on the court's copy that he has done so, I will place his submissions in the file and give them no consideration.

In his motion for a jury trial, plaintiff asks "for a response from the court and the attorney within 14 business days." However, there is no need for a response. I have construed petitioner's "motion" as a timely filed demand for trial by jury pursuant to Fed. R. Civ. P. 38. If the case goes to trial, the trial will be held before a jury.

With respect to plaintiff's request for information about what will take place at the preliminary pretrial conference, the purpose of the conference is to set a trial date and schedule deadlines for gathering evidence, naming witnesses and filing certain types of motions. Also, the magistrate judge will answer any questions about procedure that plaintiff has. In addition, he will send plaintiff written confirmation of the deadlines that are set and a written copy of various procedures discussed at the conference. The conference is not the time for plaintiff to submit evidence or argue the merits of his case.

ORDER

IT IS ORDERED that plaintiff's "Motion Demanding a Trial" is construed as a timely

demand for a jury trial pursuant to Fed. R. Civ. P. 38. The demand has been noted on the court's docket.

Entered this 26th day of October, 2005.

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