

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

REAL PROPERTY LOCATED AT 7199
GRANT ROAD, ARPIN, WOOD COUNTY,
WISCONSIN, WITH ALL APPURTENANCES
AND IMPROVEMENTS THEREON,

Defendant.

ORDER

05-C-731-C

On December 5, 2006, claimant Allen L. Oleson filed an untitled document that I construe as a motion to reconsider my November 27, 2006 decision to disregard his untimely filed brief in opposition to plaintiff's motion for summary judgment and to decline to reopen this case. In his motion, claimant contends that he has not received any communications from this court since October 6, 2006, when I held a status conference and set a schedule for briefing plaintiff's motion for summary judgment. He states that it was his impression that I was inclined to grant his motion for a stay of proceedings pending the outcome of a related criminal case, which was scheduled for a pretrial conference on

November 17, 2006. In light of this impression, he believes it was reasonable for him to believe that his opposing materials were not due until November 27, rather than the October 27 extended deadline set by the court. In addition, he states that it is “hard to believe” that this court would send him mail by first class mail rather than by certified or priority mail. He notes that “there is a long history, with documentation, of me having problems receiving mail at my address.”

Claimant’s motion is not accompanied by the “documentation” he has of “problems” with his mail. Even if he had submitted something to show that his mail is no longer being delivered to his address, it would not have helped him. This court, like any other, relies on its litigants to provide a reliable address at which communications from the court and the opposing party can be received. If claimant was aware of a “long history” of having problems receiving his mail at the address he gave this court, he might have considered opening a post office box or arranging for his mail to be sent elsewhere so as to insure its receipt. This court’s file of the case shows that no mail addressed to claimant has been returned. Nor has the government written to report that its mail addressed to claimant has been returned. If claimant’s mail is being routed elsewhere, he had best take the issue up with the local postmaster. Whatever the situation is, it remained claimant’s responsibility to insure the receipt of his mail. His failure to do so is not a justifiable reason to reopen this case.

One further matter requires comment. Claimant suggests that the court might have

sent him documents by email since it has his email address. The court's record does not show claimant's email address. Perhaps claimant believes that his email address was captured for the court's records from documents he filed with the court electronically. If so, he is wrong. If a litigant wishes his email address to serve as the address at which he receives court documents, he must write to advise the court and opposing counsel of that fact and he must provide the email address in writing.

ORDER

IT IS ORDERED that claimant's motion to reconsider this court's decision of November 27, 2006, to disregard his tardy submissions in opposition to plaintiff's motion for summary judgment and to reopen this case is DENIED.

Entered this 4th day of January, 2007.

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