

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

VINCENT L. AMMONS,

Plaintiff,

v.

DR. BRUCE GERLINGER,
RENEE ANDERSON,
BECKY DRESSLER and
RITA ERICSON,

Defendants.

ORDER

06-C-20-C

In an order dated December 14, 2006, I dismissed defendant Debb Lemke from this action for plaintiff's failure to serve her with his complaint within the time allowed under the Federal Rules of Civil Procedure. On December 18, 2006, the remaining defendants moved to dismiss plaintiff's suit for plaintiff's failure to exhaust his administrative remedies. According to the schedule established for briefing the motion, plaintiff had until January 9, 2007, in which to file his opposing materials. Now before the court is plaintiff's motion for an enlargement of time to January 22, 2007, in which to oppose the motion.

In support of his motion, plaintiff explains that he has been busy "researching and

drafting” a motion for reconsideration of the December 14 order, which has prevented him from addressing defendants’ motion to dismiss. He says that in light of the limited time the institution provides him “for research and analysis of case law [he] could not respond to but one pleading at a time.”

It is a feeble excuse at best for plaintiff to miss his deadline for opposing defendant’s motion to dismiss for the reason he states. Meeting deadlines established for supporting or opposing live motions should always take precedence over drafting motions for reconsideration, which have no formal deadlines and may be filed anytime before a case is closed. In light of the fact that it is highly unlikely that plaintiff will be able to show legal error in my decision to dismiss Deb Lemke without prejudice following plaintiff’s failure to locate after more than nine months of attempting to do so, his energies are severely misplaced. I suggest that he turn his attention to defending the current motion to dismiss and that he do so promptly.

ORDER

IT IS ORDERED that plaintiff’s motion for an enlargement of time to oppose defendants’ motion to dismiss is GRANTED in part. Plaintiff may have until January 16,

2007, in which to serve and file his brief and other materials opposing the motion.

Defendants may have until January 26, 2007, in which to serve and file a reply.

Entered this 11th day of January, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge