

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

NATHANIEL BELL,

Plaintiff,

v.

DR. LUY, *et al.*,

Defendants.

ORDER

06-C-172-C

In this pro-se prisoner civil lawsuit, this court has granted plaintiff leave to proceed on his claim that defendant violated his Eighth Amendment right to proper medical treatment by under-reacting to plaintiff's report of a broken foot. On November 2, 2006, defendants filed a timely motion for summary judgment, along with supporting documents. Plaintiff's response is due December 4, 2006.

On November 27, 2006, plaintiff submitted a letter to the court indicating that he cannot "submit to you all evidence & motions regarding my pending law suit" because he has been in segregation since October 21, 2006 and will not return to the general population until December 17, 2006; plaintiff promises that he "will put them in the mail on 12/17/06." *See* dkt. 16. I must assume that plaintiff is talking about his response to defendants' summary judgment motion.

In this court's experience, inmates in segregation still have access to their legal papers and have indirect access to their institution's law library. If this was not true for plaintiff,

then he should have alerted this court sooner that he had a problem. Already this court has denied plaintiff's untimely motion to extend his deadline for disclosing expert witnesses due to plaintiff's lack of diligence; the most recent request appears to be more of the same.

That said, to give plaintiff at least a shot at responding to defendants' motion, I will grant his request. Plaintiff may have until December 17, 2006 within which to file and serve his complete response to defendants' summary judgment motion. I am enclosing another copy of this court's written procedure to be followed on summary judgment to ensure that plaintiff has this court's directives at his elbow while preparing his response. Summary judgment responses are time-consuming, so I strongly suggest that plaintiff begin working on his response before he is released from segregation because this court will not grant him a second extension of his response deadline.

Defendants may have until December 29, 2006 within which to file and serve their reply.

Entered this 29th day of November, 2006.

BY THE COURT:
/s/
STEPHEN L. CROCKER
Magistrate Judge