

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

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ORLANDO LARRY,

Plaintiff,

v.

CHAPLAIN DELL GOETZ,

Defendant.

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ORDER

06-C-197-C

Plaintiff has filed two motions with the court: (1) a motion for an extension of time in which to respond to defendant's motion for summary judgment, currently due on January 22, 2007; and (2) a motion to compel "Lt. Hook or the Sheriff of Dane County jail" to answer a set of interrogatories.

As grounds for his request for additional time, plaintiff writes the following:

The plaintiff has only limited time and access to the law library and legal material for research. Materials are brought to the housing unit, for the plaintiff, from the law library and then confiscated before the plaintiff could complete his response resulting in the plaintiff having to resubmit another request slip for the material to be reissued to him again, a process that normally takes up to 3 weeks.

Plaintiff does not describe what "materials" he needs, why he needs them or why the time he had to view them was inadequate. Nevertheless, I will grant plaintiff a one week extension, so that his response is now due on January 29, 2007. If plaintiff needs more time

than this, he should be prepared to identify much more specifically why the time he has is insufficient. In particular, plaintiff will have to explain (1) what materials he needs; (2) why he believes he needs them for his summary judgment response; and (3) how much time he believes he needs and why. In addition, any future motion for more time will be denied unless it is clear from the face of the motion that prison officials denied plaintiff access to necessary materials despite his informing them that he needs the materials to comply with a court deadline.

Plaintiff's motion to compel will be denied. Only parties may be compelled to answer interrogatories, see Fed. R. Civ. P. 33(a), and neither Lt. Cook nor the Dane County sheriff are parties to this case. If plaintiff is unable to depose Cook or the sheriff, he must either seek the information he needs from defendant or convince one of the non-parties to prepare an affidavit voluntarily.

#### ORDER

1. Plaintiff Orlando Larry's request for an extension of time is GRANTED. Plaintiff may have until January 29, 2007, in which to file and serve his response to defendant's motion for summary judgment. Defendant may have until February 8, 2007, in which to file and serve his reply.

2. Plaintiff's motion to compel is DENIED.

Entered this 19th day of January, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge