

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

BRANDEN SUSTMAN,

Plaintiff,

v.

MEMORANDUM

06-C-0293-C

STEVE WATTERS, Director (Sand Ridge Secure Treatment Center)
STEVE SCHNEIDER, Security Director (S.R.S.T.C.)
DAVID THORNTON, Treatment Director (S.R.S.T.C.)
TIM THOMAS, Unit Manager (S.R.S.T.C.)

Defendants.

In this case, plaintiff Branden Sustman, a patient at the Sand Ridge Secure Treatment Center in Mauston, Wisconsin, has been allowed to proceed on his claim that defendants violated his Fourteenth Amendment substantive due process rights when they withdrew his privileges of work, school, church and recreation in order to punish him for refusing to sign a statement against another patient. Defendants have answered plaintiff's complaint and a preliminary pretrial conference has been held. At the conference, Magistrate Judge Stephen Crocker scheduled the case for trial in May 2007, and set several deadlines, including a December 15, 2006, deadline for filing dispositive motions.

Now plaintiff has filed the affidavit of a fellow patient at Sand Ridge, Kenneth R. Parrish, which appears to be intended as evidence in support of his claim against defendants. Affidavits cannot be considered by the court unless they have been filed in connection with a motion requiring evidentiary submissions, such as a motion for summary judgment or for a preliminary injunction. It is not proper for a party to send evidence to the court simply for safekeeping. As plaintiff gathers evidence to prove his claim, it is his responsibility to keep it in his possession until it is needed. Because plaintiff's affidavit is presently unrelated to any motion pending before the court, it will be placed in the court's file but no consideration will be given to it at this time.

Entered this 21st day of September, 2006.

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