

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

DWAYNE ALMOND,

ORDER

Plaintiff,

v.

06-C-451-C

GREGORY GRAMS and DR. JANET WALSH,

Defendants.

Plaintiff has been allowed to proceed in forma pauperis in this case on his claim that while he was incarcerated at the Columbia Correctional Institution, defendants Gregory Grams and Dr. Janet Walsh deliberately refused him mental health treatment in violation of his Eighth Amendment rights. When I granted plaintiff leave to proceed on this claim, it was unclear whether defendants would raise failure to exhaust administrative remedies as an affirmative defense. I told the parties that in light of plaintiff's alleged mental illness and the seriousness of his claim, I would be inclined to stay all proceedings and seek legal representation for plaintiff if defendants responded to plaintiff's complaint in any way other than to move to dismiss for failure to exhaust. On September 26, 2006, defendants answered plaintiff's complaint. Although they have asserted failure to exhaust as an

affirmative defense in the answer, they have not moved to dismiss the case on that ground.

Now, therefore, IT IS ORDERED that the preliminary pretrial conference scheduled to take place in this case before United States Magistrate Judge Stephen Crocker on October 19, 2006 at 9:00 a.m. is CANCELLED.

Further, IT IS ORDERED that all proceedings in this case are STAYED pending appointment of counsel to represent plaintiff on his claim.

Entered this 13th day of October, 2006.

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