

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

MARK RAHOI,

Plaintiff,

v.

DOCTOR SIRIN, DOCTOR HUIBREGTSE,
and DOCTOR BURTON COX, JR., all sued
individually and in their official capacities,

Defendants.

ORDER

06-C-691-C

Plaintiff has submitted to the court documents marked “Exhibit I” and “Exhibit J,” respectively, together with a cover letter in which he asks that the court “enter the following exhibits as evidence” along with “the numbered health service requests I sent you previously. . . .” Because there is no motion pending for which the submission of exhibits or other evidentiary materials is allowed, I am returning Exhibits I and J to plaintiff.

I note that in mid-March, 2007, plaintiff filed a motion for a preliminary injunction. However, that motion was denied in an order dated March 21, 2007, because plaintiff had not submitted evidence to show that he was entitled to emergency injunctive relief. At that time, I explained the showings plaintiff would be required to make if he were to refile his

motion for a preliminary injunction. In addition, I told plaintiff that if he intended to renew his motion, he would have to comply with this court's Procedure to be Follows on Motions for Injunctive Relief. I included a copy of the procedure to plaintiff with a copy of the March 21 order. I expressly directed plaintiff's attention to that part of the procedure that requires him to support a motion for preliminary injunction with proposed findings of fact, each of which is followed by reference to documentary evidence in the record that supports the factual proposition. Plaintiff's exhibits are not accompanied by a renewed motion or the required proposed findings of fact.

It will be extremely difficult for plaintiff to prepare a new motion for preliminary injunction and support the motion with proposed findings of fact if he does not have before him the evidentiary materials he intends to rely upon in drafting his proposed facts. In any event, the court is not a repository for evidence plaintiff is gathering to prove his claims. Rather, it is his responsibility to keep the evidence in his possession until it is needed. In this case, evidence is not needed until a party files a motion for preliminary injunction or for summary judgment or until the case goes to trial.

ORDER

IT IS ORDERED that the clerk of court return to plaintiff the evidentiary materials he has submitted to the court, so that he may resubmit them at a later time in connection

with a motion for preliminary injunction or summary judgment or at trial. A copy of the documents will be retained in the court's file for record purposes only.

Entered this 9th day of May, 2007.

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