

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

STEPHEN WENDELL JONES,

Plaintiff,

v.

SECRETARY M. FRANK, WDOC, *et al.*

Defendants.

ORDER

07-C-141-C

Before the court is plaintiff's third motion to extend his deadline to respond to defendants' motion for summary judgment. In the first he asked for nine extra days beyond his January 28, 2008 response deadline (dkt. 47) and I said no (dkt. 48). Three days later, plaintiff filed his second request, asking for "maybe seven days . . ." *See* dkt. 49. Although I was "completely unconvinced that plaintiff actually needs more time," I granted this request on January 16, 2008 but warned plaintiff that he would receive no further extensions of his February 4, 2008 response deadline. *See* dkt. 50.

Today the court received plaintiff's January 29, 2008 motion for an extension of time; near the end, it turns out plaintiff wants two more days. Plaintiff has included his affidavit reporting that the officers at his institution have been messing with his mail, preventing him from finishing his response. But under the federal mailbox rule, he has until February 4, 2008, to get his response into the mail stream; so I do not understand why plaintiff would need two more days to complete his response and put it into his institution's mail stream by Monday. If plaintiff's concern is that he needs to tie his new material to that previously put into the

envelope taken by the officers, then he need not worry: he should simply send the new material under separate cover, with an explanation where it fits into the other material. The key is for plaintiff to get his response filed with the court so that we can get the defendants' motion under advisal in a timely fashion.

It is ORDERED that plaintiff's third motion for an extension of his deadline is DENIED.

Entered this 31st day of January 2008.

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