

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

COREY C. ISAACSON,

Plaintiff,

v.

GEORGE GOTHNER, and
CITY OF SUPERIOR POLICE DEPARTMENT,

Defendants.

ORDER

07-C-121-C

On August 9, 2007, this court received two more motions from plaintiff for extensions of his deadlines to respond to defendants' discovery demands. *See* dkts. 37-38. As grounds, plaintiff reports that he was re-incarcerated on June 3, 2007, but he neglected to advise defendants, who on June 12, 2007 sent their discovery requests to plaintiff's address of record. (Plaintiff did not notify this court of his new mailing address until July 25, 2007 *see* dkt. 29).¹ Plaintiff received defendants' discovery demands on July 24, 2007. Now he wants 60 additional days to respond from his original July 12 response deadline.

¹ These notification failures by plaintiff violated this court's clear instruction to him at the May 15, 2007 telephonic preliminary pretrial conference:

As the plaintiff who filed this lawsuit, it's your obligation to make sure that the court and the attorneys for all the defendants always know where they can reach you by mail. If you change addresses, you've got to give us advance notice and you have to let us know the date it switches because if people, if the court or the attorneys start sending you things and they come back as undeliverable, the you've got a problem . . .

He will not receive it. The fact that he is in custody is not a sufficient reason to forgive the usual discovery response deadlines. Many pro se indigent prisoner plaintiffs litigate in this court and they are subject to the same discovery deadlines as other litigants notwithstanding the difficulties attendant to their situation. Plaintiff has provided no convincing reason why this court should treat him differently. To the contrary, plaintiff constantly has been seeking continuances since the preliminary pretrial conference. At that hearing, I warned plaintiff to stay on schedule:

No, no, no, no, there aren't going to be continuances here absent something that's absolutely unavoidable. . . . Now if you've got a really, really good reason, then sure, maybe we would continue. But I don't want you even *thinking* about continuances today. . . . Think about meeting all your deadlines and trying your case on February 19 . . .

Id. at 25-26.

The court will consider defendants' discovery requests served on plaintiff as of July 24, 2007, even though it is plaintiff's fault that there was a six week service delay. Plaintiff has 30 days from that date, namely until August 23, 2007, within which to provide his responses to defendants' discovery demands.

Therefore, it is ORDERED that plaintiff's two motions for 60 day continuances of his discovery deadlines are DENIED.

Entered this 10th day of August, 2007.

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