

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 motion to extend his deadline to respond to defendants' motion for summary judgment. I am denying this motion without waiting for defendants to respond. Here's why:

Plaintiff filed this lawsuit ten months ago, on March 8, 2007 and was granted leave to proceed in mid-April. After considering and denying plaintiff's request for a TRO and injunctive relief, the court held the preliminary pretrial conference on July 11, 2007, which marked the opening of discovery. In its order, the court advised the parties that:

Because it is very hard for an imprisoned plaintiff to prepare everything needed to respond to a summary judgment motion, the court will give you 30 calendar days to file every part of your response and to serve it on the defendants' attorney. The court will start counting your 30 day response deadline on the day that it receives defendants' motion for summary judgment. Any reply must be filed and served not later than 10 calendar days after service of the response.

BE AWARE: you are not going to get an extension of this 30 day deadline. The only way to get more time would be if you can convince the court that something totally unfair happened that actually prevented you from meeting your deadline, and this was completely somebody else's fault. Some things that might seem

unfair to you are **not** reasons to get more time. For example, you will not get more time just because you claim that you did not have enough time or money to make copies. You will not get more time if you waited too long to get all the information you think you need to respond to the motion. You will not get more time if you have been put in segregation for actually committing some infraction.

The only way to make sure that the court will consider your documents is to start early, do them right the first time, and file them and serve them on time. If you do not do things the way it says in Rule 56 and in the court's written summary judgment procedure, then the court will not consider your documents.

Dkt. 23 at 6-7, emphasis in original.

If the parties disagree about discovery requests, then this court would like them to try to work it out if they can do so quickly, but the court does not require this if it would be a waste of time. If either side thinks that the other side is not doing what it is supposed to do for discovery and they cannot work it out, then either the plaintiff or the defendant quickly should file a motion with the court. If the parties do not bring discovery problems to the court's attention quickly, then they cannot complain that they ran out of time to get information that they needed for summary judgment or for trial.

Id. at 9.

Discovery proceeded without incident through the summer and fall. On December 27, 2007, about a week before the final deadline, defendants filed their summary judgment motion. Plaintiff has until January 28, 2008 within which to file his response. But on January 7, 2008, plaintiff filed an undated request for extra time because he has not yet received information responsive to his most recent discovery requests, he is not skilled at computer aided legal

research, and because he has “a very, very sore right hand / wrist” that makes it a hardship to write his documents in time to get them copied and processed. *See* dkt. 47 at 3-4.

Only plaintiff’s last claim merits attention because the court warned plaintiff not to wait until the last minute to seek discovery relevant to summary judgment, and it required him to file any motions to compel promptly if necessary. Apparently plaintiff did not heed these warnings.

Plaintiff’s claim of a sore wrist has more merit, but not much. He may be behind schedule, but he is not late. Plaintiff still has a great deal of time left, and he has not sufficiently established that it is not enough despite his diligent efforts.

Therefore, it is ORDERED that plaintiff’s January 18, 2008 response deadline to respond remains in place and plaintiff’s motion for an extension of time is DENIED.

Entered this 9th day of January 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge