

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

STANLEY FELTON #283330,

Plaintiff,

v.

PETER ERICKSEN, CAPT. BRANT,
LIZ LEMERY and LT. LAMBRECHT,

Defendants.

ORDER

08-cv-227-slc

Plaintiff Stanley Felton is proceeding in this case on his retaliation claim against defendants Peter Ericksen, Capt. Brant, Liz Lemery and Lt. Lambrecht and on his free speech and equal protection claims against defendants Brant and Ericksen. On February 6, 2009, I granted plaintiff's motion for an extension of time until February 25, 2009 to file his opposition to defendants' motion for summary judgment. Although in his previous motion plaintiff said that he "will not request any other extensions, this is the 1st and last", he has filed a motion for a two day extension to file his opposition brief. He asserts that his request is necessary because during a shake-down of his unit medicated gel was spilled on his documents. Because of this accident, plaintiff asserts he needs two more days to file his brief in opposition.

As plaintiff is aware, this court takes a stringent approach to requests for extensions of summary judgment deadlines and an extension is allowed only in special circumstances. The

specific section of the August 22 pretrial conference order , dkt. # 17, states:

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.

In this case, the court is convinced that plaintiff's additional request for an extension of time is necessary because of an accident that was somebody else's fault. Further, because the two days have passed and the court has not received plaintiff's brief, I will grant him an extension until Friday, March 6, 2009 to file his brief in opposition. Defendants may have until March 16, 2009 to reply.

ORDER

IT IS ORDERED that plaintiff's motion for extension of time to respond to defendant's motion for summary judgment, dkt. # 39, is GRANTED and he has until March 6, 2009 to file

his response. Defendants may have until March 16, 2009, in which to serve and file a reply.

Entered this 4th day of March, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge