

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

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MANUEL SALAS,

Plaintiff,

v.

ORDER

GREGORY GRAMS, LORI ALSUM,  
JAMES GREER, GLORIA MARQUARDT,  
CYNTHIA THORPE, DALIA SULIENE,  
R.N. KETARKUS, PAUL PERSSON and  
STEVE HELGERSON,

09-cv-237-wmc

Defendants.

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On May 14, 2010, I granted plaintiff Manuel Salas an extension of time until June 1, 2010, in which to file his response to defendants' motion for summary judgment. In the May 14 order, plaintiff was warned that he would not receive any additional extensions of his opposition deadline. Now, more than a week past his due date, plaintiff has filed two new motions for additional time to respond to defendants' summary judgment motion. Both of these motions will be denied.

As an initial matter, there is no indication that plaintiff sent a copy of his motions to Ann Peacock, counsel for defendants. In the future, the court will not consider any papers plaintiff files in this case unless plaintiff shows that he mailed a copy to Assistant Attorney General Peacock as required by Fed. R. Civ. P. 5.

With regards to plaintiff's first motion, he asserts that institution staff are withholding his legal materials and prohibiting him from purchasing canteen items including envelopes needed to send his materials to the court. The fact that plaintiff was able to mail his motions

to the court raises a question about the validity of plaintiff's claims that he is unable to obtain envelopes to submit his opposition documents. Further, plaintiff does not explain what materials he does not have access to or exactly how defendants are blocking his access to those legal materials.

Turning to plaintiff's second motion, I find this one fails as well. In this motion, plaintiff states that he is on paper restriction and therefore unable to respond to defendants summary judgment motion. If plaintiff is on restricted status, it is likely due to his own conduct and is not completely somebody else's fault. Indeed, the Offender Restriction/Precaution Notice plaintiff included with his motion indicates that plaintiff was placed on restriction for 30 days because he threw liquid on a staff member while at the Wisconsin Resource Center. Although the paper restrictions may have slowed plaintiff's ability to prepare documents for filing in this case, the restrictions will last only so long as plaintiff's misconduct warrants it and the restriction has not posed a total bar to plaintiff's prosecution of this case. Plaintiff has had more than 40 days from the date the summary judgment motion was filed to prepare his response.

To the extent that plaintiff's motion may be construed as one to enjoin defendants from retaliating against him, that motion must be denied as well. It is the policy of this court to require a litigant alleging retaliation to present the claim in a lawsuit separate from the one that is alleged to have provoked the retaliation. If plaintiff believes that he has been the victim of unlawful retaliation for exercising his right of access to the courts, he may raise that claim in a new lawsuit.

ORDER

IT IS ORDERED that plaintiff Manuel Salas's motions for an extension of time, dks. 148 and 149 are DENIED.

Entered this 11<sup>th</sup> day of June, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge