

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

DARYL STRENKE,

Plaintiff,

v.

ROBERT ALAN GLICKMAN,

Defendant.

ORDER

09-cv-473-bbc

In a March 23, 2012 order, Judge Crabb granted defendant Robert Glickman's motion for summary judgment regarding plaintiff Daryl Strenke's breach of contract and fraud claims, but construed plaintiff's complaint as including a state law malpractice claim and set an April 23, 2012 deadline for summary judgment motions on this claim. Since then, plaintiff has filed a motion for a 30-day extension of time, stating that he is disabled, has limited knowledge of the law and access to the prison's law library, and needs more time to work with his jailhouse lawyer, dkt. 139; plaintiff thereafter moved to stay proceedings because his jailhouse lawyer was transferred to another facility, and he needs several months to investigate his claim further, dkt. 141.¹

After considering plaintiff's submissions, I will grant his original motion for extension of time but deny his motion for a stay of proceedings. To put it bluntly, this case is proceeding far too slowly. Plaintiff filed his original complaint in July 2009, and the parties have already gone

¹ Defendant objects to these motions in part, in part arguing that a jailhouse lawyer's "unauthorized practice of law" is illegal. From the court's perspective, the term "jailhouse lawyer" is just short-hand jargon for an inmate who provides background assistance to other inmates who are appearing pro se and who remain solely responsible for their own lawsuits. Jailhouse lawyers never are allowed to appear before the court, to sign another prisoner's pleadings or otherwise to practice law. If a pro se prisoner litigant wants to bounce ideas off a fellow inmate, that's up to him, so long as it is clear that the prisoner who is the party to the lawsuit retains sole and complete responsibility for every phase of his case.

through a couple of rounds of dispositive motions. Plaintiff has had years to investigate the factual underpinning of his claims, which remain similar even though the focus has shifted from breach of contract and fraud to legal malpractice. In addition, to the extent that plaintiff will have to prove that he is “actually innocent” of the charges of which he was convicted in order to show that defendant’s alleged malpractice caused him harm, he should have personal knowledge of the facts relevant to this key issue. Plaintiff may have more time to investigate his claim and prepare his summary judgment materials, but unless exceptional circumstances are shown, this is the last extension of time that will be given to either party.

ORDER

It is ORDERED that plaintiff’s motion for an extension of time for the parties to submit dispositive motions, dkt. 139, is GRANTED, but his motion to stay proceedings, dkt. 141, is DENIED. The parties may have until May 23, 2012 to submit dispositive motions (or in defendant’s case, a supplement to the motion he already has filed. Opposition materials are due June 25, 2012. Replies are due July 9, 2012. There shall be no additional extension of these deadlines.

Entered this 27th day of April, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge