

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

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DEREK WILLIAMS,

Plaintiff,

v.

WILLIAM POLLARD and RICK RAEMISCH,

Defendants.

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ORDER

09-cv-641-bbc

Plaintiff Derek Williams is proceeding on his claims that defendant William Pollard and Rick Raemisch violated his equal protection rights by enforcing racially discriminatory visitation policies. On October 13, 2010, the court stayed briefing on the defendants' motion for summary judgment because plaintiff alleged that the materials he sought to file in opposition to defendants' motion for summary judgment were seized by the defendants. I gave defendants until October 25, 2010 to respond.

In the meantime, on October 20, 2010, plaintiff filed a motion to file a late response to defendants' motion for summary judgment. In that motion, he says the materials were not seized from his cell but from the cell of Oscar McMillian. Also, he says that he got a copy of the defendants' motion for summary judgment and spent October 15-17 working on his response which he plans to file no later than October 25, 2010.

Defendants responded to the court's order on October 25, 2010 and submitted an affidavit of William Swiekatowski, a lieutenant at the Green Bay Correctional institution. In his affidavit Swiekatowski asserts that no legal materials were seized from plaintiff. Further, he asserts that envelopes containing legal materials of other inmates were seized from Oscar

McMillian's cell. Swiekatowski personally looked through these materials and none of the documents pertained to or belonged to plaintiff.

Based on this affidavit and plaintiff's pleadings, I am convinced that plaintiff's legal materials were not seized from his cell. Further, there is no evidence that these materials were taken from Oscar McMillian. There will be no further delays in this case. Plaintiff's opposition to defendants' motion for summary judgment shall be filed not later than November 1, 2010 and defendants may reply no later than November 12, 2010.

#### ORDER

IT IS ORDERED that plaintiff Derek Williams' motion to file a late response to defendants' motion for summary judgment, dkt. 34, is GRANTED until November 2, 2010; defendants may reply not later than November 15, 2010.

Entered this 25<sup>th</sup> day of October, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge

