

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

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XAVIER HARDIN,

Plaintiff,

v.

WILLIAM MCCREEDY, RICK HAEN,  
STEVE SCHUELER, KELLY SALINAS,  
LT. BERG, JAMES GREER,  
MICHAEL DITTMANN, JAMES LABELLE,  
WELCOME ROSE and ISMAEL OZANNE,

Defendants.

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ORDER

10-cv-22-slc

Plaintiff Xavier Hardin is proceeding in this case on his Eighth Amendment and state negligence claims that defendants failed to protect plaintiff from injuring himself when he had a seizure. At the May 20, 2010 pretrial conference, I ordered that dispositive motions in this case could to be filed no later than November 15, 2010. Now before the court is plaintiff's motion for a 30-day extension of time to file his motion for summary judgment.

In support of his request for more time, plaintiff has attached a memorandum dated November 10, 2010, from Michael Troudt, the librarian at the Kettle Moraine Correctional Institution, indicating that all electronic equipment (including documents saved to Microsoft Word, flash drives and floppy discs) has been inaccessible to inmates since November 5, 2010 and it may be several more days before inmates are able to access their information. In light of these circumstances that are beyond plaintiff's control, I will allow a short extension of time to file his summary judgment motion. If as plaintiff asserts, his motion is almost complete, an additional three weeks, until December 10, 2010, will suffice to compensate plaintiff for time lost while the institution's computers and electronic media were unavailable to him.

ORDER

IT IS ORDERED that plaintiff's motion for an extension of time, dkt. #31, is GRANTED IN PART. Plaintiff may have until December 10, 2010 to file his motion for summary judgment. Plaintiff will not receive another extension of this deadline.

Entered this 18<sup>th</sup> day of November, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge