

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

SAMUEL UPTHEGROVE,

Plaintiff,

v.

ALLEN PULVER,

Defendant.

ORDER

10-cv-469-slc

Plaintiff Samuel Upthegrove filed this lawsuit while he was in prison, alleging that defendant Allen Pulver violated his First Amendment rights by denying him catalogues on two occasions while he was in disciplinary segregation. Pulver has filed a motion for summary judgment. Dkt. 17. Although Upthegrove sought and received an extension of the deadline for responding to the motion (dkt. 26), he never filed a response and has not contacted the court since requesting an extension.

Given Upthegrove's lack of communication with the court, I question whether he has the resources or interest to continue prosecuting this case. In these circumstances, rather than turn straight to the merits of Pulver's unopposed motion for summary judgment, it is proper first to determine whether Upthegrove even wishes to proceed with this lawsuit. Therefore, I will give Upthegrove a short time in which to show cause why this case should not be dismissed with prejudice for his failure to prosecute. If Upthegrove fails to respond within the time allowed, this case will be closed.

ORDER

IT IS ORDERED that plaintiff Samuel Upthegrove shall show cause no later than September 9, 2011, why this case should not be dismissed with prejudice for lack of prosecution. If plaintiff does not respond by September 9, 2011, the clerk of court is directed to enter judgment in favor of defendant Pulver dismissing this case with prejudice.

Entered this 26th day of August, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge