

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

LLOYD T. SCHUENKE,

Plaintiff,

v.

RICK RAEMISCH, MICHAEL THURMER,
JOHN DOES and JANE DOES,

Defendants.

MEMORANDUM

10-cv-788-bbc

Plaintiff Lloyd Schuenke is proceeding on a Eighth Amendment claim that the air quality in his cell triggers his severe asthma, forces him to use his asthma medications excessively and causes other health problems. The parties have briefed plaintiff's motion for preliminary injunctive relief, but now plaintiff has filed a motion for leave to file supplemental materials because he has only now received copies of his medical records.

I will grant plaintiff some extra time, but not as much as he asked for. Plaintiff wants 45 days to file his supplement but he does not explain why he needs so long. Also, it does not make sense to drag out the briefing of his motion so long because the very purpose of preliminary injunctive relief is to provide relatively quick, provisional relief. Therefore, Plaintiff may have until March 31, 2011 to file his supplemental materials. Defendants may have until April 14, 2011 to file a response.

Second, **it is very important for plaintiff to make sure that his supplemental briefing follows this court's procedures.** His initial briefing does not comply with those procedures. Plaintiff received a copy of this court's Procedure To Be Followed on Motions For Injunctive Relief along with the January 31, 2011 screening order in this case, but I will attach another copy to this order. Plaintiff must file with the court and serve on defendants a brief

supporting his claim, proposed findings of fact and any evidence he has to support his request for relief. Most importantly, if plaintiff wishes to have his own assertions count as evidence, he will have to submit them in affidavit form, in which he swears under penalty of perjury that what he is saying is true. If plaintiff does not follow these procedures, then the court will not consider his documents, which means he would have no chance of obtaining an injunction.

ORDER

It is ORDERED that plaintiff's motion for leave to file supplemental materials in support of his motion for preliminary injunctive relief, dkt. 26, is GRANTED. Plaintiff will have until March 31, 2011 to file his supplemental materials. Defendants will have until April 14, 2011 to file a response..

Entered this 17th day of March, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge