

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

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MARCUSS CHILDS,

Plaintiff,

v.

CYNTHIA M. THORPE, *et al.*,

Defendants.

ORDER

11-cv-500-slc

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Plaintiff Marcuss Childs is proceeding in this case on his claims that defendants failed to provide adequate treatment for his hernia. On June 15, 2012, defendants filed a motion for summary judgment. Plaintiff's brief in opposition to the motion is due July 16, 2012. Now plaintiff has filed a motion for an extension of time to respond to defendants' motion. *See* dkt. 59.

The pretrial conference order warned plaintiff, that this court does not grant extensions of the deadline for filing a brief in opposition to a motion for summary judgment unless the moving party can convince the court that something totally unfair happened that actually prevented him from meeting the deadline. The specific section states:

Because it is very hard for a pro se party to prepare everything needed to respond to a summary judgment motion, the court will give you about 30 calendar days to file every part of your response and to serve it on the opposing attorney. The court will send you a notice with a specific deadline for your response but do not wait to get this notice to begin preparing your response. . . . The court will provide a specific deadline in its briefing notice.

**BE AWARE: you are not going to get an extension of this 30 day deadline.** The only way to get more time would be if you can convince the court that something totally unfair happened that actually prevented you from meeting your deadline, and this was completely somebody else's fault. Some things that

might seem unfair to you are **not** reasons to get more time. For example, you will not get more time just because you claim that you did not have enough time or money to make copies. You will not get more time if you waited too long to get all the information you think you need to respond to the motion.

Dkt. 15 at 8 (emphasis in original).

The pretrial order makes clear that extensions of time regarding a response to a summary judgment motion are granted in very limited circumstances. I do not find plaintiff's lack of access to the law library is an exceptional circumstance warranting an extension of the deadlines in this case. The law governing plaintiff's claims was explained in the September 7, 2011 order granting plaintiff leave to proceed. It is not necessary for plaintiff to devote his efforts to researching case law. This case depends largely on the facts surrounding plaintiff's treatment history. Plaintiff should already have or be able to obtain his own records to corroborate his claims. This court will apply the appropriate law to these facts, even if plaintiff cannot provide the law on his own. In preparing his summary judgment response, plaintiff should rely on the factual evidence gathered in discovery to prove his claims. I encourage plaintiff to consult the summary judgment procedures provided to him with the pretrial conference order.

Although plaintiff has done little to persuade the court that he should get any extension of his summary judgment response deadline, because the parties and the court will not be substantially burdened by an extension of the response deadline, I will give plaintiff two extra weeks, to July 30, 2012, to file a response to defendants' motion for summary judgment. Defendants will have until August 10, 2012, to reply. Plaintiff should use this time wisely because he will not get another extension of this deadline.

ORDER

IT IS ORDERED that plaintiff Marcuss Childs' motion for an extension of time to file his brief in opposition to defendants' motion for summary judgment, dkt. 59, is GRANTED in part. Plaintiff's summary judgment response deadline is moved to July 30, 2012. Defendants may have until August 10, 2012 in which to file their reply.

Entered this 5<sup>th</sup> day of July, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge