

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

DERRICK L. SMITH,

Plaintiff,

v.

BOB DICKMAN, *et al.*,

Defendants.

ORDER

12-cv-954-wmc

DERRICK L. SMITH,

Plaintiff,

v.

PAUL MERGANDAHL, *et al.*,

Defendants.

ORDER

13-cv-645-wmc

State inmate Derrick L. Smith filed the above-referenced civil actions pursuant to 42 U.S.C. § 1983, concerning the conditions of his confinement at the Marathon County Jail. On November 25, 2013, the court denied Smith's request for leave to proceed and dismissed the complaint in both actions without prejudice for failure to state a claim. At Smith's request, the court granted him a generous extension of time, up to and including March 3, 2014, in which to file an amended version of his complaint in the above-referenced cases. In that order, Smith was warned that his failure to comply within the extended deadline would result in dismissal without further notice pursuant to Fed. R. Civ. P. 41(b) and that no further extensions would be granted "without a showing of good cause." Smith has now filed a motion to put the above-referenced cases "on hold" until two pending criminal proceedings against

him are concluded in state court. Alternatively, Smith asks for a 30-day extension of time to submit his amended complaints in these cases.

Smith falls far short of the showing of good cause required for an additional extension or a stay. While Smith claims that he needs additional time due to constraints on his time and access to the law library, the record refutes his claim that he is unable to prepare a complaint as directed or to otherwise comply with the court's previous orders. In that respect, the court notes that Smith has filed three new lawsuits in this district within the past week. *See Smith v. La Du-Ives, et al.*, Case No. 14-cv-201-wmc; *Smith v. La Du-Ives, et al.*, Case No. 14-cv-203-wmc; *Smith v. Thao, et al.*, Case No. 14-cv-204-wmc. Based on this record, Smith presents no valid reason for his failure to submit amended complaints within the already extended deadline.

ORDER

IT IS ORDERED that plaintiff Derrick L. Smith's request for stay or an extension of time to submit amended complaints in Case Nos. 12-cv-954 and 13-cv-645 is DENIED and these cases are DISMISSED with prejudice pursuant to Fed. R. Civ. P. 41(b) for Smith's repeated failure to amend his pleadings as directed.

Entered this 4th day of April, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge