

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

MUSTAFA-EL K.A. AJALA
f.k.a. Dennis E. Jones-El, and
SPENCER A. BROWN,

Plaintiffs,

v.

KELLI WEST, RICK RAEMISCH,
TODD OVERBO, CATHY JESS,
PETER HUIBREGTSE, TIM HAINES,
CHARLES COLE and ANTHONY BROADBENT,

Defendants.

ORDER

13-cv-184-bbc

Plaintiffs have filed a second motion for an extension of time to respond to defendants' motion for summary judgment. Dkt. #63. Plaintiffs' original due date was August 21, 2014, but the court stayed that deadline when plaintiffs alleged that prison officials had confiscated all of their legal materials on August 5, 2014. When plaintiffs acknowledged that their legal materials had been returned to them on August 10, 2014, I granted plaintiffs' motion to extend their deadline to August 28. Dkt. #55.

In a motion received by the court on September 2, 2014, plaintiffs now ask for another 10 days to file their opposition materials, but their reasons for seeking the request are not persuasive. First, they say that they simply stopped working on the brief when the court stayed the briefing schedule. That is not persuasive because the reason I stayed the

briefing schedule is that plaintiffs alleged that prison officials had confiscated their legal materials. Once those materials were returned, plaintiffs should have returned to working on their summary judgment submissions. They should not have relied on the stay when they knew the basis for the stay no longer existed. Plaintiffs alleged that they were without their legal materials for five days, so a seven-day extension of time should have been sufficient.

Second, plaintiffs say that they are working on other motions in this case and other cases. However, it was plaintiffs' decision to proceed with so many claims at the same time, so they cannot use other filings as an excuse to receive extensions of time. Plaintiff Ajala in particular should keep this in mind as he is planning how to litigate the various cases that he has pending in this court.

Although plaintiffs' arguments are weak, the schedule will permit one more small extension of time. Accordingly, plaintiffs may have until September 8, 2014, to file their opposition materials to defendants' summary judgment motion. No further extensions will be granted. This case was filed more than a year ago and it is time to move the case forward to the next stage.

ORDER

IT IS ORDERED that the motion for an extension of time filed by plaintiffs Mustafa-El K.A. Ajala and Spencer Brown, dkt. #63, is GRANTED. Plaintiffs may have until September 8, 2014, to file their materials in opposition to defendants' summary judgment

motion. Defendants may have until September 18, 2014, to file their reply.

Entered this 3d day of September, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge