

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

MARC NORFLEET,

Plaintiff,

v.

ROGER E. WALKER, JR.,
Director of IDOC, et al.,

Defendants.

Case No. 09-cv-347-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff Marc Norfleet’s Motion for Preliminary Injunction (Doc. 59) and Petition for 90-Day Emergency Preliminary Injunction (Doc. 61). In his motions, Norfleet prays for five hours of beneficial meaningful exercise per week. Norfleet states that this may be accomplished if Lawrence Correctional Center — where he was incarcerated at the time said motions were filed — obtains ADA-certified recreation equipment that can be used five hours per week or if Norfleet can be transferred to Dixon Correctional Center or Big Muddy River Correctional Center for five hours per week.

Before the Court could hold a hearing to determine whether a preliminary injunction should issue, Defendants filed a supplemental Response (Doc. 127) that stated Norfleet was transferred from Lawrence to Menard Correctional Center on May 20 and 21, 2011. Defendants believe this recent transfer effectively moots the instant motions. Although Norfleet did not respond to Defendants’ mootness argument by June 23 as previously ordered by the Court, *see* Doc. 129, it cannot be ignored that Norfleet recently terminated representation by his appointed counsel because the two were not agreeing on litigation

strategy. Docs. 132, 134.

Being fully advised of the premises, the Court **DIRECTS** the Clerk of Court to mail a copy of Defendants' supplemental Response (Doc. 127) to Norfleet. Further, the Court **ORDERS** Norfleet to file a response to Defendants' mootness argument by July 11, 2011. Norfleet's response shall be no longer than five pages and shall indicate whether Menard Correctional Center has ADA-certified recreational equipment and whether Norfleet has been able to use such equipment or otherwise exercise for five hours per week. If Norfleet does not file a response, his claim and motions for injunctive relief shall be dismissed and denied respectively. Defendants shall have up to and including July 15 to file a reply brief that is no longer than five pages.

IT IS SO ORDERED.

DATED: June 30, 2011

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE