

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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MICHAEL L. EVANS,

Plaintiff,

v.

Case No. 17-cv-983-pp

JOSEPH MANUEL,

Defendant.

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**ORDER GRANTING PLAINTIFF'S MOTION TO PROCEED ON ORIGINAL  
COMPLAINT (DKT. NO. 54) AND SETTING DISCOVERY AND DISPOSITIVE  
MOTION DEADLINES**

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On February 1, 2019, the court granted summary judgment in favor of two defendants on exhaustion grounds, leaving only the plaintiff's deliberate-indifference claim against defendant Dr. Joseph Manuel. Dkt. No. 53. The court gave the plaintiff the option of either filing an amended complaint or proceeding on his claim against Dr. Manuel. *Id.* at 12. The court informed the plaintiff that it would set new deadlines for completing discovery and filing dispositive motions after he informed the court whether he would file an amended complaint or proceed with his original complaint. *Id.*

On February 8, 2019, the court received from the plaintiff a motion asking the court to allow him to proceed on his original complaint, in which he stated a deliberate-indifference claim against Dr. Manuel. Dkt. Nos. 54, 12. The court will grant the plaintiff's motion.

The court notes that it first entered a scheduling order setting deadlines for the completion of discovery and the filing of dispositive motions on June 21,


2018. Dkt. No. 25. The court vacated the dispositive motion deadline<sup>1</sup> nearly five months later, on November 19, 2018, to allow it time to address the then-pending motions for summary judgment. Dkt. No. 44. Because the parties already have had more than four months to exchange discovery, the court will set a relatively tight discovery deadline of **Friday, April 12, 2019**. If a party wants to file a dispositive motion on the merits of the remaining claim, that party must do so in time for the court to receive it by the end of the day on **Monday, May 13, 2019**. If either party believes it requires more time to complete discovery or to file a dispositive motion, the party may—*before* the expiration of these deadlines—file a motion asking the court to extend those deadlines. The party must explain why it believes it needs more time.

The court **GRANTS** the plaintiff's motion to proceed on the original complaint against Dr. Joseph Manuel. Dkt. No. 54.

The court **ORDERS** that the deadline for the parties to complete discovery is **Friday, April 12, 2019**. The deadline for filing dispositive motions is **Monday, May 13, 2019**, at the end of the day. The court **ORDERS** that a party opposing a motion for summary judgment must file a response “within 30 days of service of the motion.” Civil Local Rule 56 (b)(2) (E.D. Wis.)

Dated in Milwaukee, Wisconsin this 25th day of February, 2019.

**BY THE COURT:**



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**HON. PAMELA PEPPER**  
**United States District Judge**

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<sup>1</sup> Discovery already had closed.