

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

MICHAEL MUEHL,

Plaintiff,

ORDER

v.

09-cv-16-bbc

MICHAEL THURMER, Warden;
BAUER, Lieutenant;
GARY ANKARLO, Psychological Services Supervisor;
TODD CALLISTER, Psychiatrist;
BELINDA SCHRUBBE, Health Service Manager;
PAUL SUMNICHT, Doctor;
MARY GORSKE, Registered Nurse Practitioner;
MARY SLINGER, Registered Nurse;
FRAN JENNINGS, Registered Nurse;
GAIL WALTZ, Registered Nurse;
CHARLENE REITZ, Registered Nurse; and
BRUCE DUMONTIER, Dentist;

Defendants.

In this prisoner civil rights case, plaintiff Michael Muehl has filed a document that he calls “Notice of Motion and Motion for Summary Judgment,” dkt. #66, along with proposed findings of fact, dkt. #67, a response to defendants’ proposed findings of fact that they filed in support of their own motion for summary judgment on October 28, 2009, dkt.

#65, and two affidavits. Dkt. ##68-69. Plaintiff's motion must be denied because it is untimely. Under the preliminary pretrial conference order, dkt. #26, the deadline for filing a summary judgment motion was October 30, 2009, but plaintiff did not file his motion until November 23, 2009. Plaintiff did not move for an extension of time and he gives no reason for his late filing. However, plaintiff is not prejudiced by this ruling because I will treat his "motion" as a brief in opposition to defendants' motion for summary judgment.

ORDER

IT IS ORDERED that plaintiff Michael Muehl's motion for summary judgment, dkt. #66, is DENIED as untimely. Plaintiff's motion will be treated as a brief in opposition to defendants' motion for summary judgment.

Entered this 24th day of November, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge