IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

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JEROME THEUS,

ORDER

Plaintiff,

14-cv-224-bbc

v.

LORA BLASSIUS, SUSAN NYGREN
DEBBIE NUTTING and LISA BAKER,

Defendants.

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JEROME ANTHONY THEUS,

ORDER

Plaintiff,

13-cv-681-bbc

v.

MS. WIGAND, MR. KEMPER and
MR. HOWARD,

Defendants.

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In these consolidated civil actions under 42 U.S.C. § 1983, defendants Lisa Baker, Lora Blassius, Debbie Nutting, Susan Nygren, Howard, Kemper and Wigand filed a motion for summary judgment on May 22, 2015. Case no. 13-cv-681-bbc, dkt. #64; case no. 14-cv-224-bbc, dkt. #58. In an order entered June 3, 2015, I instructed pro se plaintiff Jerome Theus that his filing titled "Motion for Summary Judg[]ment," case no. 13-cv-681-bbc, dkt.

#74; case no. 14-cv-224-bbc, dkt. #68, must be denied because it was untimely and failed to follow this court's Procedures to be Followed on Motions for Summary Judgment. Case no. 13-cv-681-bbc, dkt. #75; case no. 14-cv-224-bbc, dkt. #69.

On June 4, 2015, plaintiff filed a document titled "Motion for Summary Judg[ment]." Case no. 13-cv-681-bbc, dkt. #76; case no. 14-cv-224-bbc, dkt. #70. On June 10, 2015, plaintiff filed yet another document titled "Motion for Summary Judg[]ment." Case no. 13-cv-681-bbc, dkt. #77; case no. 14-cv-224-bbc, dkt. #71. Like his previous motion, both of these motions are untimely. The deadline for filing dispositive motions was May 22, 2015. Accordingly, they cannot serve as motions for summary judgment. However, it may be that plaintiff intended the documents to serve as responses to defendants' motion for summary judgment, so that is how I will construe these filings. I note that they may be construed as briefs in response to defendants' motion, but they are insufficient as responses to defendants' proposed findings of fact. Such responses must include the proposed findings of fact to which the party is responding and must state whether the party wishes to dispute or dispute in part the proposed fact.

If plaintiff did not intend his June 4 and June 10 filings to serve as briefs and he wishes to file a different brief in response to defendants' motion or if he wishes to file any other responsive materials, he has until June 22, 2015 to do so. In particular, plaintiff may still file responses to defendants' proposed findings of fact, his own proposed findings of fact and any additional evidence that supports his claims.

If plaintiff chooses to file any additional materials, he should be sure to title the

documents as responsive to defendants' motion for summary judgment. Further, he should consult the Memorandum to Pro Se Litigants Regarding Summary Judgment Motions and this court's Procedures to be Followed on Motions for Summary Judgment, both of which provide detailed instructions on plaintiff's obligations in responding to motions for summary judgment. Case no. 13-cv-681-bbc, dkt. #37; case no. 14-cv-224-bbc, dkt. #32, at Packet pp. 2-3, 4-8. The procedures direct plaintiff to respond to each of defendants' proposed findings of fact or the fact will be deemed undisputed. They also provide the procedure plaintiff should follow if he chooses to file his own proposed findings of fact, specifically, plaintiff's proposed facts should be in separate, numbered paragraphs and cite evidence in the record.

ORDER

IT IS ORDERED that plaintiff Jerome Theus's "motions for summary judgment," case no. 13-cv-681-bbc, dkt. ##76, 77; case no. 14-cv-224-bbc, dkt. ##70, 71, are DENIED. However, I will construe these documents as briefs in opposition to the motion for summary judgment filed by defendants Lisa Baker, Lora Blassius, Debbie Nutting, Susan Nygren, Howard, Kemper and Wigand.

Entered this 17th day of June, 2015.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge