

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

JESUS RODRIGUEZ,

Plaintiff,

v.

ORDER

DEBBIE FRITZ, KRISTEN ASHCHEBRENNER, and
BEVERLY DILLION,

15-cv-255-jdp

Defendants.

On May 9, 2016, I granted pro se plaintiff Jesus Rodriguez leave to proceed on a Fourteenth Amendment procedural due process claim against defendants Debbie Fritz, Kristen Ashchenbrenner, and Beverly Dillion. Dkt. 9. Rodriguez alleges that defendants—his parole officers and their supervisor—incorrectly placed him on sex offender supervision, in violation of his due process rights.

On March 3, 2017, defendants filed a motion for summary judgment, contending that Rodriguez cannot prevail because he should have brought his claims via a petition for a writ of habeas corpus, his claims are time barred, and, regardless, he received all the process he was due. Dkt. 18 and Dkt. 19. Rodriguez's response to defendants' motion was due April 3, but he did not file anything. So is not clear that Rodriguez intends to continue with this lawsuit. Rodriguez's failure to submit proposed findings of fact opposing defendants' motion also means that, under this court's summary judgment procedures, I should consider defendants' proposed findings of fact to be undisputed. Dkt. 17, at 15 ("The court will conclude that a proposed fact is undisputed unless the responding party explicitly disputes it and either identifies contradictory evidence in the record, or demonstrates that the proponent of the fact does not have admissible evidence to support it."), 19 ("**NOTE WELL:**

If a party fails to respond to a fact proposed by the opposing party, the court will accept the opposing party's proposed fact as undisputed.”).

Before I dismiss this case with prejudice for Rodriguez's failure to prosecute it or deem defendants' proposed findings of fact undisputed for Rodriguez's failure to comply with the court's summary judgment procedures, I will give Rodriguez an opportunity to explain whether he still wants to prosecute this lawsuit. If he does, he will have to both (1) show cause why he was not able to submit a timely response to defendants' motion for summary judgment; and (2) submit a response brief, proposed findings of fact, and supporting evidence opposing defendants' motion.

ORDER

IT IS ORDERED that plaintiff Jesus Rodriguez may have until May 1, 2017, to respond to this order.

Entered April 17, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge