

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

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KELLY RAINEY,

Plaintiff,

v.

DR. W. BRADFORD MARTIN,

Defendant.

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ORDER

Case No. 17-cv-05-wmc

Plaintiff Kelly Rainey is proceeding in this lawsuit under 42 U.S.C. § 1983, on an Eighth Amendment deliberate indifference claim against defendant Dr. W. Bradford Martin, for his alleged failure to provide him effective treatment for his back pain. On November 1, 2019, defendant filed a motion for summary judgment on the merits of Rainey's claim (dkt. #41), and the court set December 2, 2019, as plaintiff's deadline to oppose defendant's motion. However, plaintiff failed to oppose the motion, nor did he request an extension or otherwise provide the court with an indication that he plans to oppose the motion. That said, defense counsel filed a letter they received from plaintiff, dated November 10, 2019, in which plaintiff argued the merits of his claim. (Ex. 1004 (dkt. #49-1).) If plaintiff believed that letter would be filed with the court, that belief is mistaken. Plaintiff must file his opposition brief and response to defendant's proposed findings of fact with the court, and serve defense counsel with a copy of those filings. The court will give Rainey until **January 3, 2020**, to file his opposition materials, with defendant's reply, if any, due **January 13, 2020**. If Rainey fails to respond by the new

deadline, he should be aware that the court likely will deem defendant's proposed findings of fact undisputed and grant defendant's motion on the merits.

ORDER

IT IS ORDERED that plaintiff Kelly Rainey's deadline to file a response to defendant's proposed findings of fact and opposition brief is **January 3, 2020**, and defendants' reply is due **January 13, 2020**. **If plaintiff does not respond by that date, the court likely will take defendant's motion under advisement and grant it on the merits.**

Entered this 13th day of December, 2019.

BY THE COURT:

/s/

WILLIAM M. CONLEY  
District Judge