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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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12 Allan K. Morgal, )

13 ) Plaintiff, )

No. CIV-07-0670-PHX-RCB

14 ) vs. )

O R D E R

15 ) Maricopa County Board of, )

16 ) Supervisors, )

17 ) Defendants. )

18 On July 3, 2012, plaintiff *pro se* Allan K. Morgal filed a  
19 "Request for more time to Respond to Defendant[']s Motion for  
20 Summary Judgment[,]" which was docketed as a motion and the  
21 court has deemed to be a motion. Mot. (Doc. 160) at 1. The  
22 defendant did not file a response to this motion. Shortly  
23 thereafter, on July 9, 2012, plaintiff filed a "Request for  
24 Discovery[.]" Mot. (Doc. 161). Construing that "Request" as a  
25 motion, this court allowed defendants to file a response. Ord.  
26 (Doc. 163) at 2:19-22. Defendants timely filed a response on  
27 August 1, 2012 (Doc. 165). Thus, in accordance with this  
28 court's prior order, plaintiff has "seven (7) days after service  
of [that] response, . . . , to file a reply if he so desires."

1           Given what it perceived, in hindsight perhaps inaccurately,  
2 the relationship between plaintiff's motion for an extension of  
3 time and his discovery motion, this court deliberately held the  
4 former motion in abeyance, anticipating that it would resolve  
5 both issues at once. The discovery motion is not yet ripe for  
6 this court's consideration in that there is time for plaintiff  
7 to file a reply if he so chooses. In the meantime, on August  
8 2, 2012, plaintiff filed his response to defendant's motion for  
9 summary judgment, included voluminous exhibits thereto. See  
10 Docs. 165-169. Those filings render moot plaintiff's motion for  
11 an extension of time.

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13           Accordingly, **IT IS ORDERED** that:

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15           (1) Plaintiff's "Request for more time to Respond to  
16 Defendant[']s Motion for Summary Judgment[]" is **DENIED** as moot;

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18           **IT IS FURTHER ORDERED**, by way of clarification, that:

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20           (2) in the interest of justice, Plaintiff's Response  
21 to defendant's summary judgment motion (Doc. 165), and  
22 accompanying filings (Docs. 166, 167, 168, and 169) are deemed  
23 to have been timely filed; and

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25           **IT IS FURTHER ORDERED** that:

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27           (3) also in the interest of justice, defendant shall  
28 have **fourteen (14) days** from the date of entry of this order in

1 which to file, if any, a reply to plaintiff's response to  
2 defendant's motion for summary judgment.

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4 DATED this 2nd day of August, 2012.

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8 Robert C. Broomfield  
9 Senior United States District Judge

10 Copies to counsel of record and plaintiff *pro se*

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