

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Wiley Y. Daniel

Civil Action No. 07-cv-01561-WYD-MJW

MOHAMMAD AMIN SALAMEH,

Plaintiff,

v.

MICHAEL MUKASEY, et al.,

Defendants.

ORDER

This matter is before the Court on Plaintiff's Motion to Stay Response to Defendants' Motion for Summary Judgment, filed on June 22, 2009 [#130]. By way of background, I note that Plaintiff is a federal inmate incarcerated at the United States Penitentiary - Administrative Maximum facility in Florence, Colorado. Plaintiff was convicted of terrorism charges relating to the 1993 bombing of the World Trade Center. In this case, Plaintiff challenges the Special Administrative Measures ("SAMs") that restrict his contacts and communications. Defendants filed a Motion for Summary Judgment in this case on January 15, 2009. On February 20, 2009, I granted Plaintiff's counsel's motion to withdraw and Plaintiff has been proceeding in this matter *pro se* since that time. To date, Defendants have produced over 10,500 documents directly to Plaintiff pursuant to the Third Protective Order entered in this case, and Plaintiff's response to Defendants' Motion for Summary Judgment is currently due on or before Monday, August 24, 2009.

In the motion to stay, Plaintiff states that he is on a self induced hunger strike which started on May 27, 2009 and is ongoing. Plaintiff states he does not know exactly or for sure when his hunger strike will end. Plaintiff further states that he commenced the hunger strike seeking a transfer out of ADX to the Communication Management Unit in Terre Haute, Indiana. Plaintiff contends that, due to the hunger strike, he will not be able to respond to Defendants' Motion for Summary Judgment "without severe physical discomfort and mental strain."

The Court has broad discretion to stay proceedings as incident to its power to control its own docket. See *Clinton v. Jones*, 520 U.S. 681, 706-07 (1997) (citing *Landis v. North American Co.*, 299 U.S. 248, 254 (1936)). However, I do not find a compelling reason for imposing a stay in this case. Plaintiff initiated these proceedings with the filing of his complaint and, as such, it is his responsibility to comply with all deadlines and prosecute his case. Plaintiff is on a voluntary hunger strike. If his decision to participate in a hunger strike impairs his ability to meet court deadlines and follow the Federal Rules of Civil Procedures, then he will have to choose whether to continue with his hunger strike or to comply with court deadlines and otherwise follow the Federal Rules of Civil Procedure. If Plaintiff fails to participate in his case, he will risk dismissal of his case for failure to prosecute pursuant to D.C.Colo.LCivR 41.1. I further note that this case was filed in 2007, and resolution of Plaintiff's claims has already been somewhat delayed due to the withdrawal of his counsel, and the resolution of issues concerning entry of the Third Protective Order.

Therefore, it is hereby

ORDERED that Plaintiff's Motion to Stay Response to Defendants' Motion for Summary Judgment, filed on June 22, 2009 [#130] is **DENIED**. Plaintiff's Response to Defendants' Motion for Summary Judgment is due August 24, 2009.

Dated: June 24, 2009

BY THE COURT:

s/ Wiley Y. Daniel
Wiley Y. Daniel
Chief United States District Judge