

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

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

MOHAMMAD AMIN SALAMEH,

Plaintiff,

v.

MICHAEL MUKASEY, et al.,

Defendants.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby **ORDERED** that Plaintiff's Motion to Stay Response to the Defendants' Motion for Summary Judgment Until Plaintiff Receives a Counsel in This Action (**Docket No. 139**) is **DENIED**.

The court "has broad discretion to stay proceedings as incident to its power to control its own docket." Clinton v. Jones, 520 U.S. 681, 706-07 (1997). As this court stated over six months ago in the Order Regarding Plaintiff's Motion for Appointment of Counsel (Docket No. 117), "**this case shall proceed in its ordinary course, with plaintiff continuing to act pro se, until such time as the court is able to secure counsel. In other words, unless and until an attorney agrees to represent plaintiff and enters an appearance on plaintiff's behalf, plaintiff remains personally responsible to comply with the court's orders and deadlines and to take all other actions necessary to continue to pursue this case. Furthermore, because of the possibility that no attorney might volunteer, the court will not consider the fact that pro bono counsel has yet to appear to be good cause to extend any deadlines or continue any scheduled matters.**" (Docket No. 117 at 2) (emphasis in bold in original; emphasis in underscore added). Chief Judge Daniel has granted plaintiff an extension until October 26, 2009, to file a response (Docket No. 138), which still gives plaintiff more than adequate time to submit a response to the summary judgment motion, which was filed almost nine months ago on January 15, 2009. (Docket No. 96). The court further notes that Chief Judge Daniel previously denied plaintiff's motion to stay response to defendant's motion for summary judgment, which was based upon plaintiff being on a hunger strike, noting that "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." (Docket No. 133 at 2).

Date: September 10, 2009
