

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

|                           |   |                          |
|---------------------------|---|--------------------------|
| STEPHEN SMALLS,           | : |                          |
|                           | : |                          |
| Plaintiff,                | : |                          |
|                           | : |                          |
| v.                        | : | CASE NO. 3:10cv962 (DFM) |
|                           | : |                          |
| STATE OF CONNECTICUT      | : |                          |
| DEPARTMENT OF CORRECTION, | : |                          |
|                           | : |                          |
| Defendant.                | : |                          |

NOTICE

On May 25, 2011, the defendant filed a motion for summary judgment. (Doc. #26.) The plaintiff's opposition to the motion was due within 21 days. See D.Conn.L.Civ.R. 7. On June 3, 2011, plaintiff's counsel filed a motion for an extension of time until July 13, 2011 in which to file an opposition to the summary judgment motion.<sup>1</sup> (Doc. #27.) The court granted the plaintiff's motion. (Doc. #28.) On July 13, 2011, plaintiff's counsel filed a second motion for extension of time seeking an extension until August 13, 2011 in which to file an opposition to the defendant's motion for summary judgment. (Doc. #29.) Plaintiff's counsel stated that the extension was necessitated by "difficulties in obtaining cooperation from the plaintiff who is undergoing severe emotional stress due to marital issues and the burden of long term unemployment." (Doc. #29.) The court granted the motion. (Doc.

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<sup>1</sup>Rule 7 of the Local Civil Rules of the United States District Court for the District of Connecticut states that "all memoranda in opposition to any motion shall be filed within twenty-one (21) days of the filing of the motion."

#30.) On August 11, 2011, plaintiff's counsel filed a third motion for extension of time seeking an extension until September 2, 2011. (Doc. #31.) As grounds for the request, plaintiff's counsel reiterated the "difficulties in obtaining cooperation from the plaintiff who is undergoing severe emotional stress due to marital issues and the burden of long term unemployment." (Id.) Counsel also indicated that he submitted a settlement proposal to the defendant, which was pending. (Doc. #31.) The court again granted the plaintiff's request for more time. (Doc. #32.) On September 12, 2011, plaintiff's counsel filed a fourth motion for an extension of time seeking an extension until October 20, 2011. (Doc. #33.) The motion stated in pertinent part that:

The request is based upon the difficulties in obtaining cooperation from the Plaintiff who is undergoing severe emotional stress due to marital issues and the burden of long term unemployment. . . . Counsel cannot be more specific as to the basis of this request without violating client confidences or prejudicing successor attorney should one choose to enter the case. . . . Counsel requests an extension until October 20th in order to afford the plaintiff an opportunity to obtain a successor attorney because counsel has informed the plaintiff of his intention to withdraw his appearance or in the alternative to withdraw the case. . . . The reason the extension requested is so long is to afford the plaintiff ample time to obtain other counsel or authorize withdrawal of the action.

The court granted the plaintiff's motion. The court's order stated that "The plaintiff is advised that no further extensions of this deadline shall be granted." (Doc. #34.)

Plaintiff's counsel has not filed anything further. He has

not filed either a motion to withdraw as counsel or a motion to withdraw the case. Plaintiff's counsel has not filed an opposition to the motion for summary judgment and the deadline has passed. The defendant's motion for summary judgment is ripe for decision.

Plaintiff's counsel shall provide his client with a copy of this order.

SO ORDERED at Hartford, Connecticut this 6th day of January, 2012.

\_\_\_\_\_/s/\_\_\_\_\_  
Donna F. Martinez  
United States Magistrate Judge