

UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF MISSOURI  
 EASTERN DIVISION

JAMES SMALLEY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:10CV319 RWS
	)	
MICHAEL GAMACHE, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

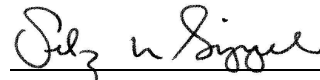
This matter is before the Court on plaintiff's motion for an extension of time. Plaintiff was granted until September 28, 2012 to advise this Court whether he still intended to dismiss his case since it would be conditioned upon payment of \$1,440.00 should he ever refile it. Plaintiff did not timely respond. Now before me is a document entitled a "motion for extension of time." Plaintiff claims he needs an extension of time so that he can file a writ of mandamus with the Court of Appeals. The Court can only construe this request as one to continue his case rather than dismiss it.

Therefore,

**IT IS HEREBY ORDERED** that plaintiff's motion to dismiss [#89] is denied.

**IT IS FURTHER ORDERED** that defendants shall file their motion for summary judgment by **November 2, 2012**. Plaintiff's opposition to summary judgment shall be filed by **December 3, 2012**, and defendants' reply brief may be filed by **December 14, 2012**. **Plaintiff is specifically warned that if he fails to timely respond to defendants' motion for summary judgment, then the Court will proceed to rule the summary judgment motion without any additional notice being given to plaintiff.**

**IT IS FURTHER ORDERED** that plaintiff's motion for an extension of time [#96] is denied as moot.



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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 15th day of October, 2012.