

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

EUGENE J. FIEDLER, )  
)  
Plaintiff, )  
)  
v. )  
)  
STATE OF NEBRASKA )  
DEPARTMENT OF ROADS, et al., )  
)  
Defendants. )

4:08CV3144

**MEMORANDUM  
AND ORDER**

This matter is before the court on Plaintiff’s fourth Motion for Extension of Time. (Filing No. [155](#).) In his Motion, Plaintiff requests an additional 60 days, until January 2, 2012, to respond to Defendants’ pending Motion for Summary Judgment. (*Id.*)

At the time Plaintiff filed this matter, he was represented by counsel. (Filing No. [1](#).) However, on April 4, 2011, the court granted Plaintiff’s counsel leave to withdraw, and Plaintiff has been representing himself since that time. (Filing No. [142](#) and [147](#) (text-only order).) The court has previously granted Plaintiff three lengthy extensions of time in order to respond to the pending Motion for Summary Judgment. (Filing No. [149](#) and [151](#) (text-only orders).) At the time it granted Plaintiff’s second request for an extension of time, the court stated, “NO FURTHER EXTENSIONS OF TIME WILL BE GRANTED.” (Filing No. [151](#) (text-only order).) At the time it granted Plaintiff’s third request for an extension of time, over Defendants’ Objection, the court stated that “under absolutely no circumstances will the court grant an additional extension of time to respond, and Plaintiff is cautioned that the court will proceed to rule on the merits of the pending Motion for Summary Judgment on November 1, 2011, regardless of whether Plaintiff has filed a response.” (Filing No. [154](#) at CM/ECF p. 2.)

The Motion for Summary has been pending since May 2, 2011, or nearly eight months. (Filing No. [144](#).) Plaintiff has been given three extensions of time, totaling more than five months. (*See* Docket Sheet.) On two separate occasions, the court has clearly and specifically warned Plaintiff that it will not grant any additional extensions of time to respond. Plaintiff has had ample time to respond to the pending Motion for Summary Judgment and has not done so.

IT IS THEREFORE ORDERED that: Plaintiff's Motion for Extension of Time (filing no. [155](#)) is denied. The court will rule on the pending Motion for Summary Judgment in its normal course.

DATED this 22<sup>nd</sup> day of November, 2011.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge