

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL L. ROSS,)	4:13CV3043
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
ROBERT HOUSTON, Director Of)	
Department of Correction For the)	
State of Nebraska,)	
)	
Respondent.)	

This matter is before the court on its own motion. On June 27, 2013, Respondent filed a Motion for Summary Judgment. (Filing No. [11](#).) According to the court’s May 14, 2013, Memorandum and Order, Petitioner had 30 days after June 27, 2013, to file a brief in opposition to Respondent’s Motion for Summary Judgment. (Filing No. [8](#) at CM/ECF p. 4.) Rather than file a brief in opposition, Petitioner filed a Motion for Stay and Abeyance. (Filing No. [13](#).) Respondent chose not to respond to the Motion for Stay and Abeyance, and instead, moved to extend the “time to file any reply brief necessary until after” the court rules on Petitioner’s Motion. (Filing No. [14](#).) Liberally construed, Petitioner may have intended the Motion for Stay and Abeyance to be a response to Defendants’ Motion for Summary Judgment. Accordingly, Respondent is directed to treat the Motion for Stay and Abeyance as Petitioner’s response to his Motion for Summary Judgment.

In light of this, the court will grant Respondent’s Motion to Extend, and extend the time to file a reply to October 23, 2013. In any reply, Respondent should be mindful to explain his position on whether this matter should be stayed.

IT IS THEREFORE ORDERED that:

1. Respondent's Motion to Extend (filing no. [14](#)) is granted in accordance with this Memorandum and Order and is otherwise denied.
2. Respondent is directed to file a reply by October 23, 2013.

DATED this 26th day of September, 2013.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge

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