

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JANET R. JOHNSON,)
)
 Plaintiff,)
)
 v.)
)
 JOHN E. POTTER, Postmaster)
 General,)
)
 Defendant.)

8:10CV386

**MEMORANDUM
AND ORDER**

This matter is before the court on Defendant’s Motion to Dismiss, or, in the alternative, Motion for Summary Judgment. (Filing No. [14](#).) Plaintiff has not responded to the Motion. (See Docket Sheet.) After careful review of the Motion, and the Brief and Index in support, the court intends to treat the Motion as a Motion for Summary Judgment. As such, the court will consider documents outside of the pleadings submitted by Defendant, and will permit Plaintiff an additional opportunity to “present all the material that is pertinent to the motion.” [Fed. R. Civ. P. 12\(d\)](#).

IT IS THEREFORE ORDERED that:

1. Plaintiff shall have until July 22, 2011, in which to submit a response to the pending Motion for Summary Judgment, along with any “material that is pertinent to the motion.”
2. The Clerk of the court is directed to set a pro se case management deadline with the following text: July 22, 2011: deadline for Plaintiff to respond to Motion for Summary Judgment.

3. The court recognizes Defendant's Notice of Substitution. The Clerk of the court is directed to substitute the current Postmaster General, Patrick R. Donahoe, for Defendant John E. Potter.

DATED this 20th day of June, 2011.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge

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