

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOSHUA M. NICKMAN,

Plaintiff,

vs.

JUAN M. ZARRAGA, Individual  
Capacity; SHELBY L. RAWLINGS,  
Individual Capacity; ANDREW L.  
MCLEAN, Individual Capacity;  
COLTON J. GUERRERO, Individual  
Capacity; MICHAEL TUBBS,  
Individual Capacity; JESUS J.  
RAMIREZ, Individual Capacity; JAIME  
LYN CRAFT, Individual Capacity;  
JESSICA M. STROUP, Individual  
Capacity; SCOTT B. ANDREALA,  
Individual Capacity; ERIC JON  
LITTLE, Individual Capacity;  
JONATHAN R. TRIPP, Individual  
Capacity; and AARON GRAY,  
Individual Capacity;

Defendants.

**8:16CV262**

**MEMORANDUM  
AND ORDER**

This matter is before the court on Plaintiff's "Motion for Extension of Time, Motion in Objection to Summary Judgment, Verification Affidavit." ([Filing No. 71.](#)) Plaintiff seeks a thirty-day extension of time to file an objection to Defendants' Motion for Summary Judgment. (*Id.* at CM/ECF p. 6.) Plaintiff's motion is granted. Plaintiff filed his motion on February 15, 2017. He therefore has until **March 17, 2017**, to file a brief in opposition to Defendants' Motion for Summary Judgment. Defendants shall have seven days to submit their reply brief and/or evidence in response. *See* NECivR [7.1.](#)

Additionally, the court previously ordered Plaintiff to file an affidavit or declaration within fourteen days from February 10, 2017, that plainly sets forth (1) the specific facts he hopes to elicit from further discovery, (2) that the facts sought exist, and (3) that these sought-after facts are essential to resist the summary judgment motion. ([Filing No. 70](#).) The court warned Plaintiff that failure to do so will result in summary dismissal of his Rule 56(d) motion ([Filing No. 68](#)). (*Id.*) Plaintiff's Rule 56(d) motion will be denied. Although set forth in the form of an affidavit, Plaintiff's current filing ([Filing No. 71](#)) is insufficient to satisfy the requirements of [Fed. R. Civ. P. 56\(d\)](#) because he fails to identify any specific facts that he hopes to elicit from further discovery. To date, Plaintiff has not filed any affidavit or declaration that satisfies the requirements of Rule 56(d).

IT IS THEREFORE ORDERED that:

1. Plaintiff's motion for extension ([Filing No. 71](#)) is granted. He shall file a brief in opposition to Defendants' Motion for Summary Judgment no later than **March 17, 2017**. Defendants shall have seven days to submit their reply brief and/or evidence in response.

2. Plaintiff's Rule 56(d) motion ([Filing No. 68](#)) is denied.

3. The clerk's office is directed to set the following pro se case management deadline: **March 17, 2017**: Check for Plaintiff's brief in opposition to Defendants' Motion for Summary Judgment.

Dated this 1st day of March, 2017.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge