

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

WILLIAM COLEMAN,

Plaintiff,

v.

GEORGE H. SNOWDEN, et al.,

Defendants.

Civil Action No. 15-4270 (FLW)

MEMORANDUM AND ORDER

This matter having been opened to the Court by Plaintiff's letter to the Court dated May 2, 2016. (ECF No. 15.) It appearing that:

1. On September 21, 2015, Defendant City of Long Branch Police Department filed a motion to dismiss Plaintiff's Complaint. (ECF No. 10.) Plaintiff did not file a response to the City of Long Branch Police Department's motion to dismiss.

2. On October 13, 2015, Defendants Monmouth County Prosecutor's Office and George H. Snowden (the "Prosecutor Defendants") filed a motion to dismiss. (ECF No. 11.) Plaintiff did not file a response to the Prosecutor Defendants' motion to dismiss.

3. On April 25, 2016, the Court granted the Long Branch Police Department's motion to dismiss with prejudice because a police department is not a person for purposes of 42 U.S.C. § 1983. (*See* ECF Nos. 12-13.) The Court, however, provided Plaintiff with 30 days to submit an Amended Complaint that states a claim for relief against the City of Long Branch. (*See id.*)

4. Because Plaintiff had failed to respond to the pending motion brought by the Prosecutor Defendants, the Court also issued an Order on April 26, 2016, directing Plaintiff to notify the Court as to whether he intended to proceed with his case and, if he intended to proceed, to file his response to the Prosecutor's Defendants' motion within 10 days of his receipt of the Court's Order. In the same Order, the Court notified the parties that it intended to convert the Prosecutor Defendants' motion to dismiss to a motion for summary judgment pursuant to Fed. R. Civ. P. 56.¹ (*See* ECF No. 14.)

5. By letter dated May 2, 2016, Plaintiff notified the Court that he wished to proceed with this action and requested an extension of time to submit his response to "any and all notice of motions."² (ECF No. 15.)

6. The Court will grant Plaintiff a 30-day extension of time within which to file his response to the Prosecutor Defendants' converted motion for summary judgment. *See* ECF Nos. 11, 14.) The Prosecutor Defendants may file their reply within 7 days of their receipt of Plaintiff's response.

7. Because it is not clear from Plaintiff's letter whether he also intends to file an Amended Complaint to add the City of Long Branch as a Defendant, the Court will also provide Plaintiff with an additional 30 days to submit that Amended Complaint.

8. No further extensions will be provided, absent a showing of good cause by Plaintiff.

¹ The Court also attached to the Memorandum Order a copy of Fed. R. Civ. P. 56 as Exhibit A, and provided Plaintiff with an explanation of the summary judgment standard.

² Plaintiff also indicated that he would serve a copy of his response on the attorney for Defendant City of Long Branch Police Department. (*See id.*) As noted above, the City of Long Branch Police Department has already been dismissed from the case with prejudice. (*See* ECF Nos. 12-13.)

9. The Court will also direct the Clerk of the Court to administratively terminate the Prosecutor Defendants' converted motion for summary judgment (*See* ECF No. 11) until such time that the Court receives Plaintiff's response and the Prosecutor Defendants reply, if any.³

IT IS THEREFORE, on this 24th day of May, 2016,

ORDERED that Plaintiff's request for an extension of time to submit his response to the Prosecutor Defendants' converted motion is GRANTED; Plaintiff shall submit his response to the Prosecutor Defendants' converted motion (ECF No. 11) within 30 days of his receipt of this Order; and it is further

ORDERED that the Prosecutor Defendants may submit their reply within 7 days of the filing of Plaintiff's response; and it is further

ORDERED that, within 30 days of his receipt of this Order, Plaintiff may submit an Amended Complaint to add the City of Long Branch as a Defendant; and it is further

ORDERED that the Clerk of the Court shall administratively terminate the Prosecutor Defendants' converted motion until such time that the Court receives Plaintiff's response and the Prosecutor Defendants' reply, if any; and it is further

ORDERED that the Clerk of the Court shall send a copy of this Order to Plaintiff at the address on file.

/s/ Freda L. Wolfson
Freda L. Wolfson
United States District Judge

³ If Plaintiff fails to file his response within the time provided by the Court, the Court will consider the motion unopposed.