

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ROBERT WESOLOWSKI,

Plaintiff,

DECISION AND ORDER

03-CV-6424L

v.

KATHLEEN A. WASHBURN, et al.,

Defendants.

By order entered May 18, 2009, the Court granted defendants' motion for summary judgment and in that decision the Court noted that plaintiff had failed to respond to the motion, although he had previously received five (5) extensions to do so over many months. The Court, nevertheless, considered the merits of defendants' motion.

Now, plaintiff has submitted a letter dated May 28, 2009, claiming that in part because he had been transferred from one Department of Corrections Facility to another, he was unable to respond to the motion, which has been pending for many months.

In his May 28, 2009 letter, Wesolowski requests yet another extension within which to respond to the motion. I grant the request and plaintiff will have twenty-one (21) days from entry

of this decision in order to respond to the summary judgment motion. Upon that filing, the Court will determine if its decision (Dkt. #76) entered May 18, 2009, should be vacated or not.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", written in a cursive style. The signature is positioned above a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
June 9, 2009.