

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MISAEEL MONTALVO,

Plaintiff,

v.

**DECISION AND ORDER**

6:14-CV-6251 EAW

COMMISSIONER OF CORRECTION F. LAMY,  
COMM. CORR. F. SULLIVAN, SHERIFF T.  
HOWARD; UNDERSHERIFF MARK  
WIPPERMAN; SUPER. T. DIINA; FIRST D.S. M.  
REARDON; CHIEF HARRIS; CAPT. HARTMAN;  
SGT. USINSKI; SGT. KUPPEL; SGT. DIAMOND;  
SGT. MCANDREW; SGT. JOHN DOE; DEP.  
SHERIFF JOHN DOE; DEP. SHERIFF BROWN;  
DEP. SHERIFF HARVEY; NURSE PRACTITIONER  
SHARON; NURSE PRACTITIONER JANET;  
DEPUTY BROWN; COUNTY OF ERIE; KEEFE  
KIOSK ENTITY; THOMAS REUTER; AND  
THOMAS J. LOUGHREN,

Defendants.

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On January 26, 2015, certain Defendants filed a motion to dismiss the complaint. (Dkt. 12). On January 27, 2015, the Court entered a scheduling order with respect to the motion to dismiss setting response and reply deadlines of February 17, 2015, and March 3, 2015, respectively. (Dkt. 16).

On February 12, 2015, Plaintiff filed a "Motion for Counsel and Extension of Time to Respond to Motion to Dismiss Complaint." (Dkt. 17). The Court denied Plaintiff's request for counsel as premature and extended Plaintiff's deadline to respond to the motion to dismiss to May 4, 2015. (Dkt. 18).

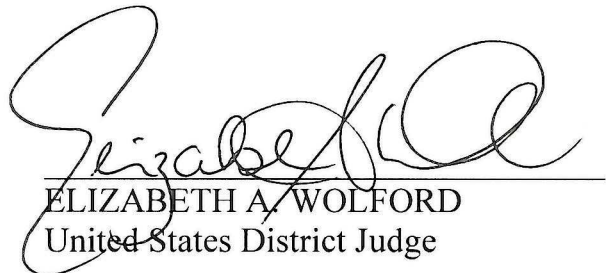
On March 9, 2015, Defendant Keefe Kiosk Entity filed a motion to dismiss the complaint. (Dkt. 22). The Court entered a scheduling order setting a response deadline of May 4, 2015, and a reply deadline of May 18, 2015. (Dkt. 26).

Plaintiff has now filed a second “Motion for Counsel and Adj[o]urnment of Time to [A]nswer” in which he asks for appointed counsel and for an extension of time to respond to the pending motions to dismiss “until September 1, 2015, or 60 days following assignment of coun[s]el.” (Dkt. 28).

Plaintiff’s request for appointed counsel is denied as premature for the reasons set forth in the Court’s Decision and Order dated February 13, 2015. (Dkt. 18).

Plaintiff’s request for an extension of time is granted. Plaintiff’s responses to the pending motions to dismiss (Dkt. 12 and 22) shall be due on or before September 1, 2015. **No further extensions of this deadline will be granted.** Defendants’ reply papers, if any, shall be due on or before September 15, 2015.

SO ORDERED.

  
ELIZABETH A. WOLFORD  
United States District Judge

Dated: April 29, 2015  
Rochester, New York