

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:16-cv-385-FDW**

JIMMY ALLEN ROBERTS,)
)
 Plaintiff,)
)
 vs.)
)
 FRANK L. PERRY, et al.,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER comes before the Court on *pro se* Plaintiff’s Response to Summary Judgment Motion, (Doc. No. 37), that is construed as a Motion for Extension of Time to file a summary judgment response.

Defendants filed a Motion for Summary Judgment on April 19, 2019. (Doc. No. 33). The Court entered an Order on April 26, 2019, informing Plaintiff of the legal standard applicable to motions for summary judgment, and his obligation to file evidence rebutting Defendants’ arguments. (Doc. No. 36). Plaintiff has now filed the instant Response in which he alleges that he does not have copies of the cases cited in Defendant’s Memorandum in support of the Motion for Summary Judgment, the Federal Rules of Civil Procedure, a law library, or access to individuals trained in the law to help him with his summary judgment response. (Doc. No. 37). He asks that the Court take judicial notice that his access to the courts is non-existent, that he has been denied access to a law library or people trained in the law to assist him, and that “NCDAC, NCPLS, and this Court all act under the color of state and federal law in the performance of their official duties and responsibilities.” (Doc. No. 37 at 10). Plaintiff expressly states that his Response is not a motion for the appointment of counsel. Instead, he wants an order requiring NCDAC and/or

NCPLS to comply with its obligations to provide him with access to courts, an extension of time “until such preparations can be settled,” and all other relief available to Plaintiff. (Doc. No. 37 at 15).

Plaintiff’s request for an extension of time to file a Response to Defendants’ Motion for Summary Judgment will be granted until June 7, 2019. No further extensions of time will be granted except on a showing of extraordinary circumstances. The remainder of Plaintiff’s Response will be denied. The Court has already informed Plaintiff of the applicable legal standard on summary judgment review and of his burden of coming forward with evidence such as affidavits that will create a genuine dispute of material fact to defeat Defendants’ Motion and proceed to trial. If he fails to do so by June 7, 2019, Defendants’ Motion will probably be granted, judgment will be entered in Defendants’ favor, and this case will be closed.

IT IS THEREFORE ORDERED that Plaintiff’s Response to Summary Judgment Motion, (Doc. No. 37), is construed in part as a Motion for Extension of Time to file a summary judgment response and is **GRANTED** until June 7, 2019. The remainder of Plaintiff’s Response is **DENIED**.

Signed: May 10, 2019



Frank D. Whitney
Chief United States District Judge

