

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA

**FILED**

DEC 21 2009

JOHN W. HARTLEY, )  
)  
Plaintiff, )  
)  
v. )  
)  
CENTER POINT ENERGY, INC., )  
)  
Defendant. )

WILLIAM B. GUTHRIE  
Clerk, U.S. District Court  
By \_\_\_\_\_  
Deputy Clerk

Case No. CIV-09-067-KEW

OPINION AND ORDER

This matter comes before the Court on Plaintiff's Motion for Continuance filed December 1, 2009 (Docket Entry #34). Plaintiff, acting in a *pro se* capacity, commenced this case in the District Court in and for LeFlore County, Oklahoma on January 30, 2009, from which it was subsequently removed to this Court on February 20, 2009. On April 2, 2009, Plaintiff and Defendant's counsel appeared for a Scheduling Conference. Plaintiff was orally advised by this Court of the difficulties and potential pitfalls in proceeding *pro se* in an action of this type and that Plaintiff would be bound by the rules which govern the actions of all litigants in federal court. At that time, Plaintiff expressed a desire to retain counsel but that he had been unable to do so. He also stated he understood the problems proceeding without legal assistance might pose.

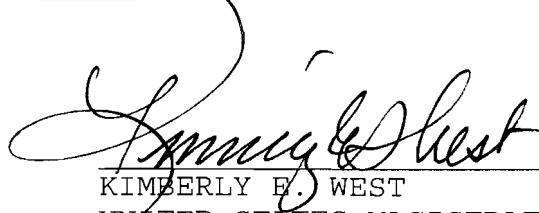
Since that Conference, Plaintiff has sought and received an extension to respond to Defendant's discovery. He now requests an extension of all deadlines for a period of thirty (30) days.

Plaintiff acknowledges he lacks knowledge of the rules governing this action and the disadvantage of being opposed by an experienced lawyer. He further states that he is finding it difficult to "fairly compete with [Defendant's counsel]." Nothing has changed in this regard from the time of this Court's admonition at the original Scheduling Conference eight months ago. Plaintiff initiated this case and is expected to prosecute it in a timely fashion. However, in an effort to give Plaintiff every opportunity to retain counsel and have the merits of his claims examined, this Court will grant the requested extensions of some of the deadlines in this case and continue the scheduled trial. Plaintiff is forewarned one final time - extensions of this nature will not be looked upon favorably in the future. It is time for this case to come to fruition.

Additionally, Plaintiff should take note that Defendant has filed a motion for summary judgment. Plaintiff is required to respond to that motion by December 28, 2009. The entry of the Amended Scheduling Order on this date will not relieve Plaintiff of the responsibility to file a timely response to Defendant's motion or seek an extension of that response deadline.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Continuance filed December 1, 2009 (Docket Entry #34) is hereby **GRANTED**. The parties shall abide by the Amended Scheduling Order entered on this date.

IT IS SO ORDERED this 21<sup>ST</sup> day of December, 2009.

A handwritten signature in black ink, appearing to read "Kimberly E. West", written in a cursive style. The signature is positioned above a horizontal line.

KIMBERLY E. WEST  
UNITED STATES MAGISTRATE JUDGE