

no further extensions would be permitted. On the same day, i.e., November 6, 2020, Allshouse filed a response in opposition to Kinsella's request for an extension of time. (ECF No. 112.)

On December 4, 2020, Kinsella filed a second request for an extension of time to obtain counsel to represent him in this case. (ECF No. 113.) He requested a continuance of *twelve months* because the difficulty he is having to obtain a lawyer because, among other reasons, the COVID-19 pandemic. He informed the court that he intends on obtaining counsel from another state.

This court gave Kinsella 127 days (or four months and four days) to obtain new counsel in this case, which is already more than three years old. Allshouse's motion for summary judgment has been pending for more than six months. Under those circumstances, any extension of time—especially a twelve-month extension of time—is unwarranted and would run afoul of the Federal Rules of Civil Procedure, which must be “employed by the court and the parties to secure the just, *speedy*, and inexpensive determination of every action and proceeding.” FED. R. CIV. P. 1 (emphasis added). Kinsella's request will, therefore, be denied with prejudice. As this court previously ordered, Kinsella's response to the motion for summary judgment is due on or before December 11, 2020. Kinsella's failure to file a response to the motion for summary judgment will be deemed consent to the dismissal of this case with prejudice for Kinsella's failure to prosecute.

An appropriate order will be entered.

By the court,

Dated: December 8, 2020

/s/ JOY FLOWERS CONTI
Joy Flowers Conti
Senior United States District Court Judge