IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

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ERNEST LEE THOMAS,
Plaintiff,
v.
ROGER WERHOLTZ, et al.,
Defendant.

CIVIL ACTION No. 04-3237-CM

MEMORANDUM AND ORDER

Plaintiff filed the instant action on July 30, 2004. On May 26, 2005, defendants filed a Motion for Summary Judgment (Doc. 43). On June 9, 2005, plaintiff filed *pro se* responses to the motion for summary judgment (Docs. 48, 49, 50). On July 18, 2005, Magistrate Judge David J. Waxse appointed Mr. Jay DeHardt to represent plaintiff in this action. The court then ordered plaintiff to show cause why defendants' motion for summary judgment should not be considered on the briefs currently before the court. Plaintiff responded on February 20, 2006, and the court finds that plaintiff has shown good cause why he should be allowed to amend his response to defendants' motion, now that he has counsel. Plaintiff's amended response is due February 28, 2006. Defendants thereafter have 23 days to reply.

IT IS SO ORDERED.

Dated this 21st day of February 2006, at Kansas City, Kansas.

<u>s/ Carlos Murguia</u> CARLOS MURGUIA United States District Judge