

Defendant contends that he is entitled to summary judgment under Federal Rule of Civil Procedure 56 because the government failed to file a timely response to his § 2255 motion. But the court granted the government's request to file a motion out of time and for an extension of time before defendant filed his motion for summary judgment. Federal Rule of Civil Procedure 56 does not offer defendant any basis for relief in this instance. Defendant's motion for summary judgment (Doc. 143) is denied.

In addition, the court grants the government's second request for an extension of time. The government's response is due on June 26, 2014, and defendant's reply is due July 26, 2014. The government's motion (Doc. 144) is granted.

IT IS THEREFORE ORDERED that defendant's Motion for Summary Judgment (Doc. 143) is denied.

IT IS FURTHER ORDERED that the government's second Motion for Extension of Time to File Response (Doc. 144) is granted. The government's response is due on June 26, 2014, and defendant's reply is due July 26, 2014. The government's motion (Doc. 144) is granted.

Dated this 28th day of May, 2014, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge