

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JAMES THOMAS
MURPHY,

Plaintiff,

v.

CASE NO. 07-3074-SAC

PHILLIP D.
HYLTON, et al.,

Defendants.

O R D E R

This matter is before the court upon plaintiff's "Motion for Extension in Response to Defense Motion to Dismiss" (Doc. 18). This motion was filed by plaintiff on the same day but after this court entered a Memorandum and Order granting plaintiff thirty days in which to pay a partial filing fee and show cause why this action should not be dismissed for reasons stated in the Memorandum and Order. Plaintiff asks the court "to grant him a 30 day extension of time to file a response to defendants motion to dismiss." Additional motions to dismiss have been filed by defendants since plaintiff submitted this motion.

The court finds plaintiff's motion for extension should be granted. However, the court points out that plaintiff seeks an extension only to respond to defendants' motions to dismiss; and the extension is granted only as to those motions.

The time in which plaintiff is required to submit the assessed partial filing fee and show cause why this action should

not be dismissed set forth in the court's Memorandum and Order of April 23, 2007, is not extended or changed by, or as a result of, this Order. The court notes that if plaintiff fails to comply with its Memorandum and Order of April 23, 2007, this action may be dismissed without regard to the motions to dismiss. Defendants' motions to dismiss and plaintiff's extension of time would then be rendered moot.

IT IS THEREFORE ORDERED that plaintiff's Motion for Extension of Time in Response to Defense Motion To Dismiss (Doc. 18) is granted, and the time in which plaintiff may respond to defendants' motions to dismiss filed herein is hereby extended for thirty (30) days from the date of this Order.

IT IS SO ORDERED.

Dated this 22nd day of May, 2007, at Topeka, Kansas.

s/Sam A. Crow
U. S. Senior District Judge