

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ARLANDO T. LATHAM,

Plaintiff,

v.

CASE NO. 07-3268-SAC

MARCIE VANHOOSE,

Defendant.

O R D E R

On November 16, 2007, this court entered an Order granting plaintiff time to show cause why this action should not be dismissed for reasons stated in that Order. Plaintiff sought and was granted an extension of time to respond. This matter is before the court upon plaintiff's second motion for extension of time (Doc. 9) in which to respond to the court's Order of November 16, 2007, and other motions.

Plaintiff incorrectly titles his motion for extension of time as his "Response to Court Order," when it in no way responds to the court's prior order. The sole basis for Mr. Latham's motion for extension appears to be his plea for appointment of counsel. The court will grant plaintiff's Motion for Extension of Time (Doc. 9), but only for twenty days from the date of this Order. It has been more than ninety days since his motion was filed. Plaintiff is notified that he will not be granted additional extensions, unless exceptional circumstances are shown.

The court has considered plaintiff's Motion for Appointment

of Counsel and finds it should be denied. Plaintiff has no right to appointment of counsel in a federal civil rights action seeking money damages. The court has explained to plaintiff that the denial of his request to attend his son's funeral does not state a federal constitutional claim, and the other deficiencies in his complaint. Plaintiff appears capable of stating the facts underlying his claims.

IT IS THEREFORE ORDERED that plaintiff's motion for extension of time (Doc. 9) to respond to the court's Order to show cause why this action should not be dismissed is granted, but only to the extent that he is granted an additional twenty (20) days from the date of this Order.

IT IS FURTHER ORDERED that plaintiff's motion for leave to proceed in forma pauperis (Doc. 2) is granted, and plaintiff's Motion to Appoint Counsel (Doc. 7) is denied.

IT IS SO ORDERED.

Dated this 22nd day of July, 2008, at Topeka, Kansas.

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