

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

**NATIONAL ALLIANCE FOR
GRANDPARENTS AND CHILDREN'S
RIGHTS, INC. and
JAMES BROWN,**

Plaintiffs,

v.

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY, KANSAS; COMMUNITY
DEVELOPMENTAL DISABILITIES
ORGANIZATION OF WYANDOTTE
COUNTY, KANSAS and
GORDON CRISWELL,**

Defendants.

CIVIL ACTION

No. 09-2487-KHV

MEMORANDUM AND ORDER

Under 42 U.S.C. § 1983, plaintiffs bring suit against the Unified Government of Wyandotte County, Kansas; Community Developmental Disabilities Organization of Wyandotte County, Kansas and Gordon Criswell. Plaintiffs allege that defendants violated their rights under the Fourteenth Amendment of the United States Constitution and the Kansas Developmental Disabilities Reform Act, K.S.A. § 39-1801, et seq. On October 5, 2010, the Court ordered plaintiffs to show cause in writing by October 26, 2010 why the case should not be dismissed for lack of prosecution. See Notice And Order To Show Cause (Doc. #49). This matter is before the Court on plaintiff James Brown's *pro se* Motion For Extension Of Time To Respond To The Order To Show Cause (Doc. #50) filed December 7, 2010.

In his motion, Brown states that his lawyer, Larry D. Coleman, suffered a "career ending stroke" and requests a 60-day extension of time to procure legal representation. Brown does not

identify when Mr. Coleman suffered the stroke, when he learned of his obligation to respond to the order to show cause or whether he sought defendants' consent for the extension of time. Mr. Coleman has not filed a motion to withdraw from representing plaintiffs.

Out of an abundance of caution, the Court sustains plaintiff's motion in part. Plaintiff Brown shall obtain new counsel which must enter an appearance on plaintiff's behalf on or before December 24, 2010 or the Court will dismiss the case for lack of prosecution.

IT IS THEREFORE ORDERED that plaintiff Brown's Motion For Extension Of Time To Respond To The Order To Show Cause (Doc. #50) filed December 7, 2010 be and hereby is **SUSTAINED in part.** Plaintiff shall obtain new counsel which must enter an appearance on or plaintiff's behalf on or before December 24, 2010 or the Court will dismiss the case for lack of prosecution.

Dated this 9th day of December, 2010 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge