

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

LESLIE LYLE CAMICK,)
)
 Plaintiff,)
)
 v.)
)
 RICHARD DORNEKER, et al.,)
)
 Defendants.)
 _____)

Case No. 18-1065-EFM-GEB

ORDER

This matter is before the Court on Plaintiff’s Motion for Extension of Time (**ECF No. 26**). As set forth below, Plaintiff’s motion is **GRANTED in part**, to the extent Plaintiff seeks additional time to file his Reply memorandum in support of his Motion to Stay (ECF No. 19).

Plaintiff’s Motion for Extension of Time seeks an extension of time “to file his reply brief” which he asserts is due on August 17, 2018 (ECF No. 26 at 1-2). Although there are currently multiple motions pending before both the undersigned Magistrate Judge¹ and before the District Judge² assigned to this matter, Plaintiff’s instant motion does not specifically identify any pending motion, leaving the Court to guess at which

¹ In addition to the instant motion, also pending before U.S. Magistrate Judge Gwynne E. Birzer is Plaintiff’s Motion to Stay Case (ECF No. 19); filed July 2, 2018.

² Pending before U.S. District Judge Eric F. Melgren are the following motions: Defendants’ Motion to Dismiss [Plaintiff’s initial Complaint] for Failure to State a Claim (ECF No. 11, filed June 7, 2018); Plaintiff’s Motion to Strike Memorandum in Support of Motion to Dismiss (ECF No. 15, filed June 18, 2018); Defendants’ Motion to Dismiss [Plaintiff’s Amended Complaint] for Failure to State a Claim (ECF No. 23, filed Aug. 3, 2018); and Plaintiff’s Motion to Strike Portions of Defendants’ Response Memorandum (ECF No. 27, filed Aug. 14, 2018).

briefing deadline Plaintiff wishes to extend. According to the Court's Electronic Filing System, Plaintiff's Reply brief in support of his Motion to Stay this case (ECF No. 19) is the only brief due on August 17, so the Court assumes it is this schedule Plaintiff wishes to extend.

Plaintiff's Motion for Extension of Time (ECF No. 26) also includes a request for the Court to extend his deadline to serve two defendants with the Amended Complaint (ECF No. 18), filed on July 2, 2018: 1) the Board of Commissioners of Chase County Kansas, and 2) John Ehr. Because Plaintiff proceeds in forma pauperis, he provided defendants' addresses to the clerk's office, who then undertook service of Plaintiff's initial Complaint on his behalf under 28 U.S.C. § 1915(d) and Fed. R. Civ. P. 4(c)(3). Plaintiff now admits he improperly sought service on defendant Ehr at his place of business, rather than his residence. Additionally, upon filing his Amended Complaint (ECF No. 18), Plaintiff failed to provide an address for the newly-named defendant Board.

Defendant Ehr joined in the other defendants' dispositive motions, and although improper service is addressed in that motion, it specifies that, because "no valid claim is stated against any defendant in Camick's First Amended Complaint, dismissal may be had on that basis *without addressing the propriety of service.*" (ECF No. 24 at 28.) The court finds, then, that Ehr would not be prejudiced by proper service. Furthermore, Plaintiff's deadline for service on the Board has not yet expired under Fed. R. Civ. P. 4(m), and under § 1915(d), the court must serve all process on his behalf. For these

reasons, Plaintiff's request to serve these two defendants with the Amended Complaint is granted, and the clerk of the court is directed to attempt service on both.

To the extent Plaintiff wishes to extend time to respond to *any other motion* pending before the court, Plaintiff's motion is **DENIED**. If Plaintiff wishes to extend briefing deadlines on any other motion, he must file a request which *specifically identifies the motion* to which his extension relates.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Extension of Time (ECF No. 26) is **GRANTED in part** as set forth above. The clerk's office shall take the appropriate steps to serve defendants John Ehr and Board with the summons and Amended Complaint as provided under 28 U.S.C. § 1915(d) and Fed. R. Civ. P. 4(c)(3).

IT IS FURTHER ORDERED that Plaintiff's deadline to file his Reply brief in support of his Motion to Stay (ECF No. 19) is extended for an additional 21 days, to **September 7, 2018**. No further extensions to the briefing deadlines for the Motion to Stay will be granted.

IT IS SO ORDERED.

Dated at Wichita, Kansas this 16th day of August, 2018.

s/ Gwynne E. Birzer
GWYNNE E. BIRZER
United States Magistrate Judge