

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

GARY LEE SMITH,)	
)	
Plaintiff,)	
)	
v.)	Case No. 20-2439-JAR
)	
INTERNAL REVENUE SERVICE,)	
)	
Defendant.)	

ORDER

After defendant filed a motion to dismiss this case on February 16, 2021,¹ the undersigned U.S. Magistrate Judge, James P. O'Hara, entered an order directing plaintiff to show cause by March 5, 2021, why a scheduling conference and scheduling order shouldn't be deferred until after the presiding U.S. District Judge, Julie A. Robinson, decides the motion to dismiss.² Plaintiff filed a motion for extension of time on March 3, 2021, requesting additional time to respond to both the order to show cause and to the motion to dismiss (**ECF No. 14**). Plaintiff indicated he has not received a copy of the motion to dismiss (which defendant certifies it sent via regular mail on February 16, 2021),³

¹ ECF No. 9.

² ECF No. 12.

³ ECF No. 9 at 3.

and is thereby hindered in formatting responses. For good cause shown, the motion is **granted**.

IT IS THEREFORE ORDERED:

1. Defendant is directed to re-serve its motion to dismiss and memorandum in support on plaintiff via certified mail by **March 5, 2021**.
2. Plaintiff's deadline to respond to the motion to dismiss is extended to **March 26, 2021**.
3. Plaintiff's deadline to respond to the order to show cause is extended to that same date, **March 26, 2021**.

The clerk shall mail a copy of this order to plaintiff by certified and regular mail.

Dated March 4, 2021, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge