

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

SALA-THIEL THOMPSON,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO. 3:04CV2084 (AWT)
	:	
THERESA C. LANTZ, et al.,	:	
	:	
Defendants.	:	

RULING ON "PLAINTIFF'S MOTION REQUESTING DENIAL OF STATE
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND EXTENSION OF TIME
UNTIL SATISFACTION OF FULL DISCOVERY
AND/OR COUNSEL'S APPOINTMENT"

The plaintiff, a federal inmate proceeding pro se, brings this civil rights action against, inter alia, Commissioner of the State of Connecticut Department of Correction Theresa Lantz, Warden Wayne Choinski, District Administrator Mark Strange, Correctional Officer Steven Philippi, and Warden James Dzurenda (hereinafter "state defendants"). Pending before the court is the plaintiff's motion in which he requests that the court: (1) deny the state defendants' motion for summary judgment; (2) grant him an extension of time in which to respond to the defendants' motion for summary judgment until "satisfaction of full discovery" and (3) appoint him counsel. (Doc. #151.) For the reasons that follow, the plaintiff's motion is denied.

The following procedural background is relevant to the plaintiff's motion. In response to a motion for an extension of time filed by the State defendants, the court issued an order on

September 25, 2009 in which it stated that although the court's docket revealed a pending motion to compel directed at the federal defendants, it did "not show a pending motion to compel directed at the state defendants." (Doc. #116.) On October 15, 2009, the plaintiff filed a "Clarification to Court concerning Plaintiff's motion to compel state defendants." (Doc. #118.) In this submission, the plaintiff stated that on November 17, 2008, he had served the state defendants and filed with the District Court an "Informal Motion to Compel." He did not address why the docket did not show such a motion or attach copies of the motion or the discovery requests at issue. He did not attempt to re-file the "informal motion to compel."

On April 30, 2010, the state defendants filed a motion for summary judgment. (Doc. #143.) On June 25, 2010, the plaintiff filed a memorandum in opposition. (Doc. #154.)

On May 14, 2010, the plaintiff filed the instant motion requesting that the court deny the state defendant's motion for summary judgment until "satisfaction of full discovery" and grant him an extension of time in which to respond to the defendants' motion. (Doc. #151.) As he did in his "clarification," the plaintiff represents that he served the state defendants with a motion to compel in November 2008 to which he has not received responses. (Doc. #151.) The plaintiff does not attach copies of his discovery requests.

Notwithstanding his "clarification," the plaintiff has been on notice for more than a year that the court record does not reflect that he has any pending motion to compel directed at the state defendants. Further, the court does not have the discovery requests at issue. Discovery is long closed and as indicated, the plaintiff has responded to the defendants' motion for summary judgment. The plaintiff's requests that the court deny the state defendants' motion for summary judgment and grant him an extension of time in which to respond to the defendants' motion for summary judgment until "satisfaction of full discovery" are denied.

Finally, the plaintiff's ninth request for appointment of counsel¹ is denied. The court previously has addressed the merits of the plaintiff's request. See doc. #87-88.

SO ORDERED at Hartford, Connecticut this 10th day of December, 2010.

_____/s/_____
Donna F. Martinez
United States Magistrate Judge

¹The plaintiff's previous requests appear on the docket as docket entries 6, 17, 25, 48, 64, 74, 76, 86.