

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

RANDY BROOKS,

Plaintiff,

v.

Civil Action No. 2:06cv84

**DR. WATERS, MARTHA BLANCO,
LEWIS BRESCOACH PAC,
LT. SIS. R. TRYBUS,
CHRISTINE SHAFFER and
SUSAN McCLINTOCK,**

Defendants.

ORDER

It will be recalled that on August 2, 2007, Magistrate Judge Kaull filed his Report and Recommendation in the above-styled action, brought pursuant to Bivens v. Six Unknown Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), wherein the Plaintiff was directed, in accordance with 28 U.S.C. § 636(b)(1), to file with the Clerk of Court any written objections within ten (10) days after being served with a copy of the Report and Recommendation. On August 16, 2007, the Court received the Plaintiff's Emergency Motion For Extension of Time. Upon review of said motion, it appears to the Court that the Plaintiff is requesting additional time within which to file objections to the Magistrate Judge's Report and Recommendation. Plaintiff states that he wishes to respond to Defendants' Motion to Dismiss or for Summary Judgment (Dkt. 28). However, the motion filed at docket entry 28 was filed January 30, 2007, and the time for any responsive pleading has long past. Given that the Plaintiff goes on to mention the date when he received Judge Kaull's August 2, 2007 Report and Recommendation, the Court is led to believe that he is intending to request an extension of 60 days to object to Magistrate Judge Kaull's August 2, 2007 Report and Recommendation.

Accordingly, the Court, finding just cause to do so, hereby

ORDERS that Plaintiff's motion for an additional 60 days to respond to Magistrate Kaull's August 2, 2007 Report and Recommendation shall be, and the same hereby is, **GRANTED**. The Court further

ORDERS that the Plaintiff shall have up to, and including, October 17, 2007 to file any objections to the Magistrate Judge's August 2, 2007 Report and Recommendation.

ENTER: August 28th, 2007

/s/ Robert E. Maxwell
United States District Judge