

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ADONAY LARA,)
)
 Plaintiff,)
)
 v.) No. 07 C 3755
)
 ANGELA DODSON,)
)
 Defendant.)

MEMORANDUM ORDER

In this pro se 42 U.S.C. §1983 action brought by Adonay Lara ("Lara") against Cook County Deputy Sheriff Angela Dodson ("Dodson"), Assistant State's Attorney William Galati has just noticed up for presentment on September 25 a motion captioned "Motion for Enlargement of Time To Answer or Otherwise Plead and To Vacate Technical Default" ("Motion"). That belated presentment date is violative of this District Court's LR 5.3(b), and its tardiness is compounded by counsel's asking for two weeks after that date (over a month from now) to file such a responsive pleading. And although Lara has sensibly asserted no objection to the requested extension for an answer, objecting only that no such extended time period is needed to file a motion to dismiss (see Motion ¶5), attorney Galati finds that response unacceptable.

This is one of those rare times that a nonlawyer's approach to a procedural matter is more sound than a lawyer's. Because a Fed. R. Civ. P. 12(b)(6) motion to dismiss must by definition

accept Lara's allegations as true, attorney Galati's statement that no decision as between filing an answer and advancing such a motion can be made until other documents are received is unpersuasive. Accordingly leave to file an answer on or before October 9 is granted, but any motion to dismiss must be filed on or before September 19 (14 days after the Motion was filed electronically). In place of the previously-set status date of September 25, that initial status date is reset to 9 a.m. October 12, 2007.



Milton I. Shadur
Senior United States District Judge

Date: September 7, 2007