

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GREGORY E. SMITH SR.,

Plaintiff,

v.

CAPITAL CARTAGE, INC.,

Defendant.

ORDER

09-cv-684-bbc

Plaintiff Gregory E. Smith is proceeding *pro se* on his claims that defendant Capital Cartage, Inc, discriminated against him in the terms and conditions of employment on the basis of his age and race. Now before the court is plaintiff's September 1, 2010 letter, expressing his concern that he has been unable to retain an attorney prior to his deposition, which is scheduled for September 9, 2010.

I understand plaintiff to be asking that the court postpone his deposition so that he can obtain an attorney. This request is denied. Plaintiff has had almost a year to retain an attorney since he was granted leave to proceed on November 24, 2009; if he doesn't have an attorney by now, he is not likely to get one.

At the March 2, 2010 preliminary pretrial conference, this court advised plaintiff to stay on top of his case in order to meet his deadlines. Dispositive motions are to be filed by September 20, 2010, less than two weeks from today. Defendant is entitled to depose plaintiff before filing a summary judgment motion. Plaintiff can attend the deposition without an attorney. This is an opportunity for plaintiff to tell his version of events in response to questions posed by defendant's lawyers, something that plaintiff is capable of doing without assistance from an attorney.

ORDER

IT IS ORDERED that plaintiff's request for the court to delay his deposition, dkt. # 20, is DENIED.

Entered this 7th day of September, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge