

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE,
AT CHATTANOOGA

2008 JUN -7 P 9:09

ROY L. DENTON,
Plaintiff

v.

STEVE RIEVLEY,
in his individual capacity
Defendant

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Case No. 1:07-cv-211

Judge: ~~Collier~~ Carter

JURY DEMAND

U.S. DISTRICT COURT
EASTERN DIST. TENN.
DEPT. CLERK

**PLAINTIFF'S OBJECTION AND RESPONSE TO DEFENDANT'S
MOTION FOR TIME EXTENSION**

Comes now, the plaintiff Roy L. Denton, pro se, and submits the follow:

I was going to sit and write a big "good legal sounding" response to Mr. Wells' request for more time. I have no pity or sympathy on any man that finds reason to delay or otherwise avoid work. I do not believe that just because Mr. Wells can supposedly show that he got my motion on **May 13th** as filed by me on the 12th that he is now somehow overwhelmed.

Mr. Wells says in his motion that he had to prepare for and try a case in Grundy County Circuit Court. Grundy County? I mean, come on. What sort of capital offense case did he have to prepare for? If Grundy County is anything like the county I MOVED from (*thanks to the total destruction of my faith and reliance upon me feeling SAFE in my own home*) then I assume that Mr. Wells was defending some sort of misdemeanor charge. I was thinking about contacting Grundy County Circuit Court clerk and checking. Then again, it just isn't worth my energy seeking to validate what I think as nothing more

than an “excuse” just trying to prolong something he desires not to deal with.

Chief Judge Collier, I have intensely read most all of your rulings and have done such even back when Judge Edgar was there. I enjoyed reading his opinions as well. To me law has always been a fascination. Had my circumstances, etc. been different then who knows, I may have made it as an attorney. I would have really enjoyed that, but as for me, I think it is too late in the game. But just because I may not be able to fulfill my interest in law as a professional does not in the least diminish my ability to care, to want to help, to be able to think freely and understand the very principles of law and guidelines that we all must follow, as all civilized humans must in order to coexist.

Mr. Wells also states in his motion that not only did he have the Grundy County case, he had another case in federal court. In fact he says that the case is in this court and was scheduled to be “tried” on **May 27th** which cost a “significant” amount of his time. However, although he had to plan for and try the Grundy County case, he had to also prepare for the federal case scheduled in your court (Eastern District of Tennessee) and set for trial on **May 27th** as well, but during all his preparation he was notified that the case was “postponed”.

It sure sounds like he used 50 words to ramble off something to make something as major or minor as a “postponement” sound like some sort of time machine disaster. Again, I do not believe Mr. Wells and I think he is misrepresenting himself to me but more importantly, he is misrepresenting himself and mocking the integrity of your court. Then again, that is my unsupported opinion and I am not going to expound energy that I physically and mentally do not have to prove him as either “over dramatic” or “a liar”, or in the legalese term “impeached”.

So what we have up to this point is, Mr. Wells got my motion and a simple request to simple admissions on **May 13th**. Instead of doing any work for and on behalf of his client he chose to ignore me and my pleadings. Had I been a bar licensed attorney would he treat this case with the obvious disrespect and total lack of attention? I seriously doubt it.

Shortly after Mr. Wells got my one motion and one request for admissions, he was then faced with a trial in a state court (Grundy County) and had to prepare for a trial in federal court that was postponed. I wonder if the federal case he refers to was suddenly postponed and he learned of it on **May 20th** or given the fact that attorneys seem to always carry a calendar around with them, did Mr. Wells know prior to **May 20th** from his adversary lawyer about the postponement? This may prove to be an interesting question Mr. Wells should answer up to.

I know this may not sound relevant to the facts that I am writing in this rather unorthodoxed letter to you, but there was one thing that caught my attention the very first time I met Mr. Wells. The first time I ever laid eyes on the man was the morning of our pre-trial scheduling meeting in your conference room. Earlier that morning, I briefly saw him and a woman in the waiting area but that was it. Me and Kim just sat there until we were called into the room. Inside the conference room I noticed how Mr. Wells sat propped back in his chair as though he was worth 50 million dollars and the woman that was with him sat there and turned the pages of his calendar for him, writing things down. This guy didn't even have to lift a pen. On the way home I told Kim that the law firm must have sent one of the general partners down against me because he sure looked and acted important. However, in my dealings with him my perception has somewhat changed

to that of thinking that he is simply an over paid *slacker*. Sorry your Honor, but I truly believe this and toward the end of this letter I will insert a timeline with my explanation. If any of it is untrue or disrespectful toward Mr. Wells then I will apologize in advance. But on the same token, I am not going to back off of the truth just because it is painful for him to face.

Mr. Wells lastly says that he also has “another” trial scheduled in Hamilton County Circuit Court on **June 4th**. Well, June 4th was yesterday and Mr. Wells has not given anymore excuses as to why he needs a whopping nearly 2 month extension. He is asking that you give him **until July 27th** to respond to my one motion and request.

Your Honor, this simply is not fair. It is not fair that I comply with every rule and do everything I am required, just as you told me at the scheduling conference, that although I was pro se I was still expected to “abide by the same strict standards as a lawyer”. I advised you that as long as we kept it fair, played by the rules and on an equal field like a chess game then I would do fine.

Your Honor, from the very words of Mr. Wells himself he was able to accomplish all of this work in **22 days** (from **May 13th** to **June 4th**):

- He gets my work I sent him
- He works preparing for a trial in Grundy County
- He has the trial in Grundy County
- He prepares for a federal trial to be heard on the 27th
- Lady Lucky kisses him by having the case “postponed”
- He then has to intensely prepare for a case in Hamilton County Circuit Court
- And...well, it seems as though he has a clear schedule now,, doesn't it?

I wonder just how many billable hours Mr. Wells has accumulated on this case in which he is defending a “city government employee“ who in all likelihood is covered by a municipal insurance pool of some kind? Just how many hours has he devoted to this case in conjunction to those others he cited he worked intensely on for the past 22 days? Surely it cannot be much at all because the numbers simply will not add up.

You Honor, Mr. Wells is now using lame “excuses” that he calls some sort of “reason” asking you to give him all the way until **July 27th** just to have his client say “yea” or “nah” to 23 admissions that were pulled directly from his client’s sworn affidavits and answer a simple motion from a pro se litigant. Now all of a sudden he wants to snap to attention and start working on this case once he realized that my motion is basically a word-for-word excerpt from one of your very recent opinions with almost identical facts and circumstances. Has he now come to a reality that perhaps I am not some sort of “dumb hick” just because I had to work hard for what I have ever gotten? This is not fair to me your Honor. Not in the least is this fair to me, and please allow me to explain why I feel such way.

I think that Mr. Wells now wants you to give him all the way up to **July 27th** so that he can not just answer a few admissions and respond to a relatively forthright and simple partial summary judgment motion, he wants to now start doing something. He wants to get his female calendar carrier and sic all his law firms resources against me now. Now he wants to more than likely send me a bunch on Interrogatories, Admissions, Depositions and any other tactic designed to obtain maximum billable hours. No, this is not fair at all to me. He has had his chance to play by the rules and opted to do other

things instead. Just exactly what is the definition of a person of such character?

My position is a relatively simple one. Just as I gave notice to everyone at our scheduling conference, [If any person can show me a warrant of any kind allowing for me being dragged from my home and arrested then I would dismiss the whole thing and go home]. When I said those words that morning at the conference a deafening silence came over the room. You were there as I spoke those words directly to everyone present...all I asked was that “someone” show me something giving any person authority to enter in to a man’s home and drag him off to jail within 4 minutes of arriving. The mere fact of having a badge and authority does not suffice. I too at one time was an elected law enforcement officer and never not one time was ever complained of or sued over anything I did under color of law. This is a sad day that any attorney, a supposed officer of the court would try to defend such an action once he is shown that it is wrong. Just as with his excuses, it is wrong and he is wrong.

It is not fair for Mr. Wells to all of a sudden want to stop the bus and interrupt the flow just because he knows he can. Sure, I am rather certain that time extensions are probably routine and generally are either stipulated to or always granted with a relatively decent excuse, or good showing of cause. In fact, I can fully understand it when circumstances that justify extensions arise. But I restate, it is not fair to me for him to be given such an extraordinary amount of time to prepare to take on a non-lawyer, small town, G.E.D. gettin’ wannabe lawyer like he must think that I am. It isn’t fair.

I bet that Mr. Wells didn’t even type the motion for the extension. I would also bet a legal assistant typed it and did all the work except sign it. Then again, he also gets to even file these pleading things electronically, I can’t. I am held to his standard, yet I am

not equal in that regard. He gets to file electronically as a “lawyer” and I have to do it the old fashioned way. This is almost a tortoise versus the hare sort of storyline.

In all actuality, I already feel that I have lost and perhaps that is a good thing for Mr. Wells, but not for me. Certainly not a good thing for my soldier son who also was drug from the very house/home he was raised in and carted off to jail who by the way, had to deploy to Iraq for his 2nd Tour of combat just days after dismissal of charges and an enormous bail bond. This isn’t fair to him neither.

Your Honor, I have changed my mind on typing in a timeline with my involvement thus far with Mr. Wells. I am almost 47 years old, a former smoker with COPD, a blood clot in my leg that will eventually “get me” and I could even snap a digital picture of it and attach it and let you see that my excuse for cutting this short is at least a TRUE one. But I really doubt that you would not in the least want to see an old, bluish black swelled up, long toe-nailed, crusty, scaly foot... I will spare you that.

Chief Judge Collier, if you want to give Mr. Wells more time in his request for a time extension, by all means do so. But I ask you to not grant him until the **27th of July**. That is not right and it is not fair and he should be scorned for even asking such from the court. As we all can see from his very own words, Mr. Wells is very capable of doing lots of preparation and work on state and federal cases and did so in just 22 days. Now all of a sudden he needs until almost August to answer to a pro se litigant. It isn’t fair. A simple check of the Hamilton County Circuit Court Clerk’s web page reveals regular docket as well as motion dockets and it is well worth mentioning that it appears that Mr. Wells even had more “work” to do than he has stated. I have yet to figure out how he was in a Hamilton County Court and a Grundy County Court on the same date being **May 22nd**.

Perhaps that is another question he needs to answer to.

If anything at all, according to the Federal Rules of Civil Procedure he has until **June 13th** in which to respond to the motion and as for the discovery request I serviced upon him. He could actually jerk me around on that one and all I could do is try to “compel” the discovery. Naturally, I expect him to be diligent in his efforts to represent his client but I also expect him to play by the rules, play fair and treat this case as something that is real. So in essence, all Mr. Wells needs to do is simply respond to my partial summary judgment motion and he still has 8 days in which to do it. Perhaps a **7 day extension** would suffice, if any extended time at all is granted to him t all. That would be a total of **over 2 weeks** to do far less work and effort than he had to do in the **previous 22 days**. In that regard and in my eyes, he has not legitimate excuse for even requesting such a massive time extension.

My position is he is somehow trying to convey how *overworked* he is or something, and such showing is simply not reason or excuse enough to justify his request for such a massive time extension. Now I might could see an increase in time had we all been waiting to depose someone or something. But that is not the case. Mr. Wells has obviously been caught goofing off, not taking this case seriously and now he wants the court to bail him out by giving him more time to do something that he probably is charging the normal 150 bucks an hour to do.

With all the aforementioned shown, I respectfully ask that you **DENY** Mr. Well’s request to enlarge the time until **July 27th** and if anything at all, to grant his request in part by allowing him only an extra **7 days** at a maximum in which to respond. I really do believe that if Mr. Wells reads your opinion and memorandum in the matter of *Vivian*

Hardwick vs. Chris Jacques, et al, Case No. 1:07-CV-01 I think he would find that he really doesn't need to do much more than figure out some sort of settlement and end this waste of time and money one way or the other.

As for me, my position is still the same and just as simple. Show me a warrant, show me any exigent circumstance in lieu of the warrant or show me some appropriate and just relief. That would be speedy and that would be fair. Anything else then I may as well go ahead and make Mr. Wells and his brute of a client very happy and voluntarily dismiss this travesty and be done with it altogether. That way I can continue to tell my son to keep on fighting for our freedoms and rights that are nothing more than an illusion in an under-educated, brutal small "monkey towned" county.

In a way I have already lost when I lost my "a man's home is his castle is his home" way of thinking that dreadful night. As a disabled American veteran I think I can move on and chalk it all up to "just another typical injustice" of a corrupted small town family-friend run system... a place that for almost 47 years I called home, but have now moved away leaving friends and family behind.

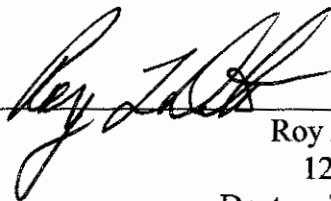
In any event, I truly believe that a person with my personality having to live a life with such a fear, such a distrust and such loss of faith in the very system, in the very first responders in which I relied upon, then that to me is the core definition of "domestic terrorism". When the day has come that any man is in fear of having his home invaded and carted off to jail without a warrant then we all have lost. Whether it be police or a band of terrorist, a home invasion is a scary thing. A uniform and a badge does not make illegal actions legal. I do not fear a man with a towel and a Koran. Instead, I fear a high school drop out with a gun, badge and authority working for a police chief with a GPA of

1.98. It isn't me that is making all this stuff up, it is true and no amount of extended time will change the facts of that. So we may as well end this one way or the other.

Therefore, I ask upon a solid foundation of truth to **DENY** the time enlargement as Mr. Wells requests and give him only **7 additional days**, if to give him that much time at all, or in the alternative I *may* seek dismissal of this case WITHOUT PREJUDICE so I may file it again in a different state, in a different district, or perhaps simply toss the whole thing in to the pile of discontentment and be done with it.

With utmost respect, I submit this to you on this 5th day of June, 2008

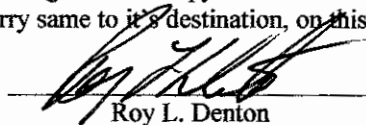
BY and FOR



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that an exact copy of this document has been served upon all parties of interest in this cause by placing an exact copy of same in the U.S. Mail addressed to such parties, with sufficient postage thereon to carry same to its destination, on this 5th day of June, 2008.



Roy L. Denton

Copy mailed to:

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