

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

DONNA JONES,)	
)	
Plaintiff,)	
v.)	Case No. 1:10-cv-202-MEF
)	
FRED HAMIC, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

This cause is before the Court on Defendants Fred Hamic and the Geneva County Commission’s Motion for Summary Judgment (Doc. # 55), filed May 12, 2011. Plaintiff Donna Jones has responded to the Motion by submitting an affidavit pursuant to Federal Rule of Civil Procedure 56(d). Rule 56(d) provides that “[i]f a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may . . . defer considering the motion [for summary judgment] or deny it.”

Because there has been no Rule 26(f) conference between the parties and no scheduling order entered in this case, the plaintiff has not had sufficient time to complete discovery. Without discovery, the plaintiff is unable to craft a response in opposition to the defendants’ motion.

Accordingly, it is hereby ORDERED that the defendants’ motion for summary judgment (Doc. # 55) is DENIED with leave to refile after sufficient time for discovery

has passed. It is further ORDERED that the plaintiff's Motion for Discovery (Doc. # 59) is GRANTED.

Done this the 18th day of May, 2011.

/s/ Mark E. Fuller
UNITED STATES DISTRICT JUDGE