

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

ADAM LUSTER and)	
CRYSTAL LUSTER,)	
)	
Plaintiffs,)	
)	CIVIL ACTION NO.
v.)	2:08cv551-MHT
)	(WO)
GORDON LEDBETTER, in his)	
individual capacity,)	
CHRIS MILES, in his)	
individual capacity, and)	
A.J. RENFORE, in his)	
individual capacity,)	
)	
Defendants.)	

ORDER

It is ORDERED that plaintiff Adam Luster's counsel's third request, contained in the second status report (doc. no. 113), for time to locate plaintiff Luster is denied.

Plaintiff Adam Luster failed to appear before the court on October 13, 2009, the date this lawsuit was scheduled for jury trial. Luster's counsel reported that they had not spoken with Luster in three weeks but that

he was aware of the trial date. At Luster's counsel's oral request, the court granted counsel until 5:00 p.m. on October 14 to locate Luster and file a report as to why he had failed to appear.

On October 14, Luster's counsel filed a status report stating that they "ha[d] conducted a diligent search for plaintiff and ha[d] been unable to locate him." Pl.'s Status Report (Doc. No. 109). In the report, counsel made a second request for time to locate Luster. The court granted the request, giving counsel until 5:00 p.m. on October 19 to locate Luster and file a report explaining his absence.

On October 19, counsel filed a second status report, stating that:

"Plaintiff's counsel is unable to locate Plaintiff Adam Luster. Plaintiff's counsel has gone so far as to send an office staff member to Elmore County to attempt to locate Plaintiff at any known address and to talk to neighbors to find out if they know of his whereabouts. Plaintiff's counsel mailed a letter to Plaintiff and has searched Westlaw's People Finder, Alacourt, and the Yellow

Pages both in book form and online. Plaintiff's counsel has telephoned everyone in the Elmore County area with names similar to or the same as those provided by Plaintiff and Plaintiff's spouse as relatives."

Pl.'s Second Status Report (Doc. No. 113). In this report, counsel made a third request for time to locate Luster and file a report explaining his absence.

Despite their third request for more time, Luster's counsel have provided no evidence, or any reason to believe, that they will find Luster. Indeed, counsel's diligent and exhaustive efforts thus far suggest just the opposite.

DONE, this the 26th day of October, 2009.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE