

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

CHARLES GWATHNEY,)	
)	
Plaintiff,)	
)	
v.)	CASE NO.: 2:09-cv-479-MEF
)	(WO—Do Not Publish)
CORRECTIONAL OFFICER WARREN,)	
)	
Defendant.)	

ORDER

This case is currently set for trial on the term scheduled to begin on February 25, 2013. On January 8, 2013, the United States Magistrate Judge entered a Recommendation (Doc. #92) that Defendant’s Renewed Motion to Dismiss or, in the Alternative, Motion for Summary Judgment (Doc. #75), which presents new evidence to the Court, be denied.¹ Defendant filed his Objection to the Magistrate Judge’s Recommendation on January 22, 2013. (Doc. #100.)

At this juncture, the Court finds that it is not possible for this case to be tried as scheduled in February of 2013. Accordingly, it is hereby ORDERED that the trial setting in this case is CONTINUED GENERALLY.²

DONE this the 5th day of February, 2013.

/s/ Mark E. Fuller
UNITED STATES DISTRICT JUDGE

¹ On September 21, 2011, the Court adopted United States Magistrate Judge Susan Russ Walker’s previous report and recommendation dismissing all defendants except Correctional Officer Roger Warren, in his individual capacity, from this action. (Doc. #44.)

² The Court has already ordered that the pretrial hearing in this case be continued generally. (Doc. #97.)