

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

DEMETRIUS FRAZIER,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:13-CV-781-WKW
)	(WO – Do Not Publish)
WALTER MYERS, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Before the court is Defendants’ Consent Judgment or, in the Alternative, Motion to Dismiss. (Doc. # 40.) Based upon careful consideration of the motion, it is ORDERED that Defendants’ motion (Doc. # 40) is DENIED. It is further ORDERED that Defendants shall file an answer to Plaintiff’s second amended complaint on or before **October 22, 2015**. After reviewing Defendants’ answer, on **November 4, 2015**, at **2:00 p.m., C.S.T.**, in Courtroom 2-B, United States Courthouse, Montgomery, Alabama, the court will hold a joint status conference, on the record, in this case and four other 42 U.S.C. § 1983 cases involving lethal injection challenges currently pending before it (*i.e.*, *Grayson v. Dunn, et al.*, 2:12-cv-316-WKW; *Roberts v. Myers, et al.*, 2:14-cv-1028-WKW; *Myers v. Myers, et al.*, 2:14-cv-1029-WKW; and *Hunt v. Myers, et al.*, 2:14-cv-1030-WKW). This case and the four other § 1983 cases identified above shall be hereinafter collectively

referred to in this Order and any further Orders from the court in this matter as the “Midazolam Litigation.” At this status conference, the parties shall be prepared to discuss the following issues: (1) whether discovery should be consolidated in the Midazolam Litigation; (2) whether the final hearing should be consolidated in the Midazolam Litigation; (3) what discovery needs to be conducted in the Midazolam Litigation; and (4) how the issues, discovery, and the evidence in the Midazolam Litigation differ, if any, from that in the *Arthur* case (2:11-cv-438-WKW).

DONE the 8th day of October, 2015.

/s/ W. Keith Watkins

CHIEF UNITED STATES DISTRICT JUDGE