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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Sherman Terrell Pruitt,  
10 Plaintiff,

11 v.

12 Charles L Ryan, et al.,  
13 Defendants.  
14

No. CV-13-02357-PHX-DJH (ESW)

**ORDER**

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16 Pending before the Court is Plaintiff's "Motion for Clarification for Defendant  
17 Orson Anderson MD's Motion for Summary Judgement" (Doc. 138) and Defendant  
18 Orson Anderson M.D.'s Response (Doc. 143). Plaintiff asserts that Defendant Anderson  
19 did not file a motion for summary judgment and asks the Court if Plaintiff must respond  
20 "although Defendant Orson Anderson has not filed a Motion for Summary Judgement."  
21 (Doc. 138 at 1). Defendant Anderson urges the Court to deny the Motion for  
22 Clarification because the Court's order requiring the Plaintiff to file a response (Doc.  
23 112) and the many extensions of time granted thereafter (Docs. 117, 119, 127, 134) need  
24 no clarification.

25 The Court notes that Defendant Anderson filed a Certificate of Service indicating  
26 that a Notice of Electronic Filing was sent to Plaintiff for Defendant's Motion for  
27 Summary Judgment (Docs. 57 & 104 at 13). Per General Order 14-17 (Doc. 9 at 2, ¶6),  
28 "[o]pposing parties must serve filings on Eyman and Lewis prisoners by means other

1 than electronic filing as provided in Rule 5.5(h) of the Local Rules of Civil Procedure and  
2 Rule 5 of the Federal Rules of Civil Procedure. Eyman and Lewis staff will not provide  
3 to prisoners NEFs or the hyperlinked documents filed by opposing parties.” Plaintiff is  
4 housed in Lewis. Defendant Anderson should have mailed a paper copy of his Motion  
5 and Statement of Facts to Plaintiff to effectuate service. Though Plaintiff has been on  
6 notice of his responsibility to respond to Defendant Anderson’s pending Motion for  
7 Summary Judgment (Doc. 104) since July 19, 2016 (Doc. 112), he never received a copy  
8 of it. Plaintiff requested multiple extensions of time to respond which were granted  
9 (Docs. 117, 119, 127, 134). Though the Court has specifically referenced Defendant  
10 Anderson’s Motion for Summary Judgment in many Orders, all of which Plaintiff has  
11 received, a copy of the Motion was not served on Plaintiff.

12 For good cause shown,

13 **IT IS ORDERED** granting Plaintiff’s Motion for Clarification (Doc. 138).

14 **IT IS FURTHER ORDERED** that Defendant Anderson serve a copy of the  
15 Motion for Summary Judgment and Statement of Facts (Docs. 104, 105) on Plaintiff by  
16 mailing a copy of the documents to him at his address of record. Defendant Anderson  
17 shall file a Notice of Service contemporaneously thereto. Plaintiff shall have thirty (30)  
18 days from the date of service to file a response. Defendant may reply in accordance with  
19 the Federal Rules of Civil Procedure.

20 Dated this 2nd day of December, 2016.

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24 Honorable Eileen S. Willett  
25 United States Magistrate Judge  
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