

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
BATESVILLE DIVISION

MIKE JAMES DEFOOR,
ADC #650699

PLAINTIFF

v.

1:09CV00028HLJ

RHONDA DOWELL, et al.

DEFENDANTS

ORDER

By Memorandum and Order and Judgment dated January 21, 2010 (DE #'s 36, 37), this Court dismissed plaintiff's complaint for failure to respond to defendants' motion for summary judgment within the time provided by the Court's Order of December 14, 2009. On January 22, 2010, the Court received plaintiff's response to defendants' motion, together with a "Notice" stating that he had encountered difficulty in accessing his institutional law library. In light of such, the Court will construe plaintiff's "Notice" as a motion to re-open the case, and will grant the motion. Defendants will be provided an opportunity to file a reply to plaintiff's response to the summary judgment motion. Accordingly,

IT IS, THEREFORE, ORDERED that plaintiff's "Notice", which this Court construes as a motion to re-open (DE #40), is GRANTED, and this matter is now re-opened.

IT IS FURTHER ORDERED that defendants shall file a reply to plaintiff's response to the pending summary judgment motion, within ten days of the date of this Order.

IT IS SO ORDERED this 26th day of January, 2010.

Henry L. Jones, Jr.

United States Magistrate Judge