

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

CHRISTOPHER R. FISCHER
ADC #138685

PLAINTIFF

NO. 1:10CV00004 HDY

TRAVIS ENGLER

DEFENDANT

ORDER

This matter is scheduled for a Court trial on September 13, 2010. Now pending before the Court are motions for summary judgment filed by Plaintiff (docket entry #23), and Defendant (docket entry #20). In Plaintiff's motion, he references allegations that he was choked while he was restrained. Defendant asserts that the claim was not raised in the complaint.

Plaintiff's excessive force claim was raised in his original complaint, although it was on the back of the complaint form, and apparently not put into the electronic record. Accordingly, the Clerk is directed to scan the back page of Plaintiff's complaint into the electronic file, and send a copy to the parties. Defendants are directed to respond to Plaintiff's excessive force allegations no later than 14 days after the entry of this order.

IT IS SO ORDERED this 9 day of August, 2010.



UNITED STATES MAGISTRATE JUDGE