

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

TAMMY TILLERY

PLAINTIFF

v.

No. 1:16-cv-69-DPM

WENDY LYNNE KELLEY, in her individual and official capacity as the Director of the Arkansas Department of Correction; DEXTER L. PAYNE, in his individual and official capacity as Deputy Director of the ADC; STEPHEN D. WILLIAMS in his individual and official capacity as Warden of the North Central Unit of the ADC; and BILLY W. INMAN, in his individual and official capacity as Deputy Warden of the North Central Unit of the ADC

DEFENDANTS

ORDER

1. Tillery's motion for an emergency meeting with her husband at the U.S. courthouse in Batesville to discuss urgent marital business is denied. This new paper is, essentially, another request for immediate injunctive relief, although with a more-tailored remedy request. The current record doesn't support taking this extraordinary step. As before, Tillery's request is not backed by a sworn statement from her (not her husband) about her particular difficulties. Every family with an incarcerated loved one struggles, in some degree, to handle financial and personal matters in the prisoner's absence.

Without some truly extraordinary circumstances, established by sworn testimony, Tillery cannot use a lawsuit's preliminary machinery (contact with witnesses) to achieve the ultimate result she seeks in the case (more contact with her husband). For now, Tillery must make do with email and mail, albeit with some delays, to communicate with her husband about current family and financial issues.

2. Two cautions. Tillery should resist the temptation to move for reconsideration every time the Court doesn't rule for her – the Court strives to do the best it can the first time around. And a motion to expedite is not needed with every request for relief.

3. The parties' Rule 26(f) report is due 2 September 2016. The Court will hold a status conference to map out the case from here to trial at 1:30 p.m. on 8 September 2016 in courtroom B155 at the Richard S. Arnold U.S. Courthouse, 500 W. Capitol Avenue, Little Rock, Arkansas 72201. The Court will be trying another case that week. That case should be in the jury's hands by Thursday afternoon. But ADC counsel and Tillery should come prepared to be flexible: we may need to start the hearing a bit later; and we may need a short recess for the Court to handle some trial-related matter. Tillery's

husband will not be brought to the hearing; this is a case-planning conference.

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Motion for emergency conference, *No 18*, denied. Motion to expedite, *No 19*, denied as moot. Rule 26(f) report due by 2 September 2016. Status conference set for 8 September 2016.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

22 August 2016