

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

**LETICIA VILLARREAL**

**PLAINTIFF**

**v.**

**Case No. 1:16-cv-00163-KGB**

**KENNETH DEWITT, *et al.***

**DEFENDANTS**

**ORDER**

Before the Court is plaintiff Leticia Villarreal's motion to continue (Dkt. No. 92). This matter is currently set for a jury trial the week of April 11, 2022, in Jonesboro, Arkansas (Dkt. No. 80). Ms. Villarreal represents that her counsel has a scheduling conflict and other cases pending in San Francisco, California, the week of April 11-15, 2022, and April 18-21, 2022 (Dkt. No. 92, at 2). Ms. Villarreal also represents that her counsel needs additional time to prepare for trial "due to the extensive number of [d]efendants and witnesses in the instant case" (*Id.*). Accordingly, Ms. Villarreal requests a trial continuance to August 22, 2022, along with a continuance of pretrial hearings (*Id.*). Ms. Villarreal represents that her counsel has contacted all other counsel in this case, and they do not agree to her request (*Id.*, at 1).

On March 31, 2022, this Court entered an Order granting summary judgment in favor of separate defendants Warden Nurzahal Foust, Tonya Gates, Linda Dixon, and Phillip Allen ("ADC defendants"), on Ms. Villareal's Fourteenth Amendment claims, Eighth Amendment claims, federal claims related to training, supervision, and retention, and Arkansas Civil Rights Act ("ACRA") claims to the extent Arkansas law is construed in the same way as the federal law applied by the Court in its Order as to the ADC defendants; declining to exercise jurisdiction over Ms. Villarreal's remaining state law claims, including but not limited to any state law claims for negligent training, supervision, and retention and any claims under the ACRA based on an

interpretation of Arkansas law inconsistent with the federal law applied by this Court as to the ADC defendants; and dismissing without prejudice Ms. Villarreal's remaining state law claims as to the ADC defendants (Dkt. No. 97). The Court also granted the ADC defendants' motion to dismiss certain individual defendants named only in separate plaintiff Carolyn Arnett's complaint and dismissed without prejudice as defendants to Ms. Villarreal's claims only separate defendants Larry Norris, Ray Hobbs, Wendy Kelley, John Maples, Maggie Capel, Christopher Budnik, Linda Dykes, John Mark Wheeler, Don Yancey, and Jennifer Smith (*Id.*).

In the light of this recent ruling, and for good cause shown, the Court grants Ms. Villarreal's motion to continue this trial and removes this matter from the April 11, 2022, trial calendar (Dkt. No. 92). The Court denies as moot the ADC defendants' pending motion for technology order and motion *in limine* (Dkt. Nos. 90, 93). The Court will reset the trial date, if necessary, by separate Order.

It is so ordered this 5th day of April, 2022.



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Kristine G. Baker  
United States District Judge