

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

JIMMY SHANE CANTRELL,
ADC #98730

PLAINTIFF

v.

2:09-cv-00184-BSM-JTK

MIKE BEEBE, et al.

DEFENDANTS

ORDER

This matter is before the Court on several Motions filed by the Plaintiff.

1. Motion for Rehearing/Motion for Ruling on the Motion (Doc. Nos. 198, 200).

This Court held a Pre-Jury Evidentiary Hearing in this matter on May 23, 2011, to determine whether the case should proceed to a jury trial. This hearing was conducted pursuant to the standard set forth in Johnson v. Bi-State Justice Center, 12 F.3d 133 (8th Cir. 1993), and the Court considered Plaintiff's testimony to be true, drew all appropriate inferences in his favor and refrained from making any credibility determinations. In his present Motion, Plaintiff asks for a re-hearing, stating his medical records were partially altered and he was denied the ability to obtain volumes of discovery prior to the hearing, a request to ask questions of Defendants' counsel, his requested witnesses, the opportunity to question defendants, expert witnesses, court-appointed counsel, adequate time and the tape of his disciplinary hearing.

As mentioned above, the May 23, 2011 hearing was limited in scope, and Plaintiff was provided the opportunity to testify concerning his claims and to present exhibits. (Plaintiff presented 29 exhibits, Doc. No. 191). In rendering a Recommendation following that hearing, this Court abided by the standard set forth in Johnson, supra. In addition, Plaintiff may file objections to that Recommendation. Therefore, the Court will grant his Motion for Ruling, and will deny his Motion

for a Re-Hearing.

2. Motion for Counsel (Doc. No. 198) - Plaintiff's Motion will be denied without prejudice, pending the outcome of dispositive motions filed as directed in the Court's June 6, 2011 Partial Report and Recommendations (Doc. No. 196).

3. Motion to Compel (Doc. No. 198) - The Court will deny Plaintiff's Motion to reconsider it's previous rulings on motions to compel.

4. Motion for Copies (Doc. No. 198) - The Court will grant Plaintiff's request for a copy of the transcript of the May 23, 2011 Hearing

5. Motion for Order for Class Certification (Doc. No. 198) - This Motion will be denied.

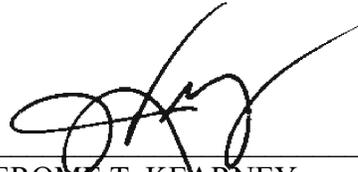
6. Motion for Extension of Time (Doc. No. 201) - Plaintiff asks for an extension of time of sixty days in which to submit his objections to the June 6, 2011 Partial Report and Recommendations. The Court will grant Plaintiff's request for more time, but finds that a thirty-day extension is sufficient. Accordingly,

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's Motion for Ruling (Doc. No. 200) is GRANTED
2. Plaintiff's Motion for Re-Hearing (Doc. No. 198) is DENIED.
3. Plaintiff's Motion for Counsel (Doc. No. 198) is DENIED without prejudice.
4. Plaintiff's Motion to Compel (Doc. No. 198) is DENIED.
5. Plaintiff's Motion for Copies of the Transcript (Doc. No. 198) is GRANTED. The Clerk is directed to order a copy of the transcript of the May 23, 2011 Hearing to be filed in this matter, and to forward a copy of such to Plaintiff.
6. Plaintiff's Motion for Order (Doc. No. 198) is DENIED.

7. Plaintiff's Motion for Extension of Time (Doc. No. 201) is GRANTED in part. Plaintiff shall be granted an additional thirty days in which to submit his objections to this Court's June 6, 2011 Partial Report and Recommendations.

IT IS SO ORDERED this 1st day of July, 2011.



JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE