

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

BYRON L. CONWAY,
ADC #113285

PLAINTIFF

v.

2:10CV00010SWW/JTK

CORRECTIONAL MEDICAL
SERVICES, INC., et al.

DEFENDANTS

ORDER

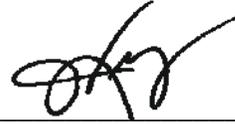
This matter is before the Court on the plaintiff's motion to dismiss and defendant Kelley's motion to stay discovery (Doc. Nos. 59, 60). Defendants filed responses to plaintiff's motion, indicating no objections (Doc. Nos. 62, 63). Plaintiff then filed a letter to the Court, stating he had received a file-stamped copy of the motion to dismiss, and that he did not submit the motion (Doc. No. 64). Plaintiff states the motion was sent from the East Arkansas Regional Unit on June 22, 2010, and that he was incarcerated at a different Unit, the Maximum Security Unit, on that date. Plaintiff objects to the dismissal of this action and to the fact that an ADC official notarized the motion for a different inmate.

In the motion to stay discovery, defendant Kelley asks the Court to stay discovery in light of plaintiff's pending motion to dismiss. However, it appears to the Court that plaintiff either did not intend to file the motion to dismiss, or that someone else erroneously filed the motion on his behalf. Therefore, the Court will deny plaintiff's motion to dismiss and the defendant's motion to stay discovery. Accordingly,

IT IS, THEREFORE, ORDERED that plaintiff's motion to dismiss (Doc. No. 59) is hereby DENIED.

IT IS FURTHER ORDERED that the motion to stay discovery filed by defendant Kelley (Doc. No. 60) is hereby DENIED.

IT IS SO ORDERED this 8th day of July, 2010.



UNITED STATES MAGISTRATE JUDGE