

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

JONAH JONES
ADC #89583

PLAINTIFF

V.

NO: 2:10CV00124 DPM/HDY

RAY HOBBS *et al.*

DEFENDANTS

ORDER

In response to the Court's order of March 28, 2011 (docket entry #29) and in anticipation of the evidentiary hearing now scheduled for October 3, 2011, at 9:00 a.m. in Room #2B of the Richard Sheppard Arnold United States Courthouse in Little Rock, Arkansas; Plaintiff has submitted a witness list, and an amended witness list withdrawing his request for certain witnesses (docket entries #33 & #38).

In all, Plaintiff now requests 10 witnesses, including himself. Defendants have filed a response, objecting to the testimony of officer Wright and inmate witnesses (docket entry #37). After careful consideration, the Court concludes that Plaintiff should be allowed as witnesses, in addition to himself, Defendants Danny Burl, Valerie Westbrook, Greg Harmon, and Paulette Green. According to Plaintiff's amended list, the testimony of inmate witnesses Willie Graves, Eric Kelley, and Barry Stewart, is vital for his claim. After careful consideration, the Court concludes that Plaintiff should be allowed only Graves as an inmate witness. According to Plaintiff, Kelley's expected testimony is essentially the same as Graves's and is therefore cumulative. Stewart's expected testimony concerns another proposed witness, Travis Eaton, who was not identified by Plaintiff as vital, and whose address was not provided.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff will both be allowed to testify at the trial, and will be allowed to call as witnesses Defendants Danny Burl, Valerie Westbrook, Greg Harmon, and Paulette Green, as well as inmate Willie Graves.

2. The Arkansas Department of Correction is directed to ensure the trial attendance of Plaintiff, and to bring Plaintiff's institutional, medical, and psychiatric, records.

3. The Arkansas Department of Correction is directed to ensure the trial attendance of inmate Willie Graves.

IT IS SO ORDERED this 19 day of September, 2011.



UNITED STATES MAGISTRATE JUDGE