

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

THOMAS STEVEN FLAHERTY,
ADC #115819

PLAINTIFF

V.

NO. 2:12CV00103 BSM/JTR

AVERY G. COX, Corporal,
East Arkansas Regional Unit, ADC

DEFENDANT

ORDER

On July 31, 2013, the Court entered an Order granting Plaintiff's request to call as witnesses former Supervisor Tyrone Washington, Sergeant Tammy Daniel, Deputy Warden Richard Todd Ball and Wallace McNairy. Plaintiff indicated he wanted to call each of these witnesses to testify about the ADC's policy which allegedly requires "high risk" prisoners to be removed from their cells only in the presence of a sergeant or lieutenant. Doc. #52.

Counsel for Defendant recently notified the Court that Deputy Warden Ball and former Supervisor Washington are in the best position to know about and offer testimony on the ADC's policy on removing "high risk" prisoners from their cells and that any testimony which Sergeant Daniel and Wallace McNairy might offer on that issue would be cumulative and unnecessary. The Court agrees. Therefore, Plaintiff will only be allowed to call and question former Supervisor Washington and Deputy

Warden Ball on the ADC policy on removing “high risk” prisoners from their cells.

IT IS SO ORDERED this 6th DAY OF August, 2013.



UNITED STATES MAGISTRATE JUDGE