

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

NICKLELAS NECESSITY BREWER
ADC #116152

PLAINTIFF

V.

NO: 3:10CV00245 SWW/HDY

JACK McCANN *et al.*

DEFENDANTS

ORDER

In response to the Court's orders of March 7, 2011 (docket entry #16), and April 25, 2011 (docket entry #18), and in anticipation of the pre-jury evidentiary hearing scheduled for May 23, 2011, at 1:00 p.m. in Room #2B, of the Richard Sheppard Arnold United States Courthouse in Little Rock, Arkansas; Plaintiff has submitted a proposed witness list requesting seven witnesses other than himself (docket entry #20). Defendants have filed a response indicating that Plaintiff is no longer at the Craighead County Jail, but has been transferred to the Arkansas Department of Correction (docket entry #21). The Court notes that the evidentiary hearing to be conducted is limited in scope. Due to this limited scope, the Court concludes that Plaintiff's requested witnesses should be denied.

IT IS THEREFORE ORDERED THAT:

1. Due to the limited nature of the evidentiary hearing, all of Plaintiff's proposed witnesses are denied.
2. The Arkansas Department of Correction is directed to ensure Plaintiff's attendance at the hearing, and to bring Plaintiff's institutional and medical records to the hearing.

DATED this 9 day of May, 2011.



UNITED STATES MAGISTRATE JUDGE