

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

JAMES C GREGORY

PLAINTIFF

v.

3:12-cv-00013-BRW

CODY GENTRY, et al.

DEFENDANTS

ORDER

Pending is Plaintiff's pro se Motion for Summary Judgment (Doc. No. 50). A May 14, 2012 Order¹ denied without prejudice a motion for summary judgment filed by Plaintiff on April 30, 2012, because Defendants in this case were served only on April 5, 2012² and had not had time to conduct discovery.

"Although discovery need not be complete before a case is dismissed, summary judgment is proper only if the nonmovant has had adequate time for discovery."³ Plaintiff contends that "[i]f the Appellees want to depose Mr. Gregory, they have had almost 2 years to do so and have shown no intent to do so until the last second of this case."⁴ Again, Defendants were served only on April 5, 2012. I find that Defendants have not had time to conduct adequate discovery; therefore, Plaintiff's Motion (Doc. No. 50) is premature and is DENIED without prejudice.

IT IS SO ORDERED this 23rd day of May, 2012.

/s/Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

¹Doc. No. 47.

²Doc. Nos. 36-38.

³ *Martindale Corp. v. Heartland Inns of America, LLC*, No. 08-CV2065-LRR, 2009 WL 362270, at *1 (N.D. Iowa, Feb. 11, 2009) (quoting *Robinson v. Terex Corp.*, 439 F.3d 465, 467 (8th Cir. 2006)).

⁴Doc. No. 49.