

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

JACKIE D. JOHNSON

PLAINTIFF

v.

No. 3:13CV00063 JLH

STATE OF ARKANSAS; and
CITY OF POCAHONTAS, ARKANSAS

DEFENDANTS

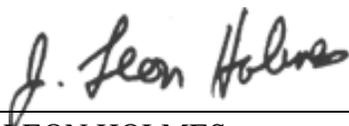
ORDER

The State of Arkansas and the City of Pocahontas have filed motions to dismiss. The State of Arkansas has filed a motion to stay discovery or for an extension of time to respond to discovery, and Johnson has filed a motion for an extension of time to respond to the motions to dismiss.

The State of Arkansas's motion to stay is granted. Document #37. Because the State of Arkansas's motion to dismiss is based on legal grounds, specifically that the State of Arkansas is immune from suit, discovery cannot affect the outcome of that motion.

The motion to dismiss filed by the City of Pocahontas, however, attacks the sufficiency of the allegations in the complaint. Johnson contends that with some discovery he can amend the complaint so as to rectify any deficiencies in the allegations. Therefore, as to the City of Pocahontas, Johnson's motion for extension of time is granted. Document #39. Johnson's time for responding to the motion to dismiss filed by the City of Pocahontas is extended up to twenty-one (21) days after the City of Pocahontas responds to his discovery requests. Johnson's motion for extension of time is denied as to the State of Arkansas.

IT IS SO ORDERED this 25th day of June, 2013.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE