

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

RONALD DEWAYNE SMULLIN

PLAINTIFF

V.

CASE NO. 3:15-CV-158-BD

BRETT DUNCAN, et al.

DEFENDANTS

ORDER

Separate Defendants Bentley and Jackson have moved for summary judgment on the claims raised against them in this lawsuit. (Docket entry #114) Mr. Smullin now has an opportunity to file a response opposing the motion. To be considered, the response must be filed within fourteen (14) days of this Order.

In opposing the motion for summary judgment, Mr. Smullin may attach affidavits that he or others have signed. Because affidavits are sworn statements, they must be either notarized or declared under penalty of perjury (see 28 U.S.C. § 1746). Unsworn statements will not be considered in deciding the motion for summary judgment. And to be considered, an affidavit must be based on the personal knowledge of the person who signs it.

If Mr. Smullin files a response, he must also file a separate, short statement setting forth the disputed facts that he believes must be decided at a trial. See Local Rule 56.1, Rules of the United States District Court for the Eastern District of Arkansas. While Mr. Smullin is not required to file a response to the motion for summary judgment filed by

Defendants Bentley and Jackson, if he does not respond, the Court can assume that the facts set out in the Defendants' Statement of Facts (#116) are true.

IT IS SO ORDERED, this 25th day of April, 2016.


UNITED STATES MAGISTRATE JUDGE