

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

FREDDIE KELLY a/k/a FRED KELLY

PLAINTIFF

VS.

4:08-CV-02144-WRW

CITY OF CONWAY, ARKANSAS, et al

DEFENDANTS

ORDER

Pending are *pro se* Plaintiff's Motion for Partial Summary Judgment (Doc. No. 34) and Defendants' Motion for Extension of Time to Respond (Doc. No. 37).

Since discovery is on-going, Plaintiff's motion is premature. Accordingly, Plaintiff's Motion for Partial Summary Judgment (Doc. No. 34) is DENIED without prejudice to refile after proper discovery has been completed, and Defendant's Motion for Extension of Time (Doc. No. 37) is DENIED as MOOT.

IT IS SO ORDERED this 22nd day of July, 2009.

/s/ Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE