

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

BRANDON SCOTT HOLBROOK

PLAINTIFF

V.

No. 4:09CV00203 BSM-BD

MICHAEL RICHARDS, et al.

DEFENDANTS

ORDER

On November 20, 2009, Defendants filed a Motion for Summary Judgment (docket entry #14). Plaintiff has not responded to the motion.

Plaintiff is hereby notified of his opportunity to file a response opposing Defendants' motion for summary judgment within twenty (14) days of this order's entry date.¹ Plaintiff is advised that his response to Defendants' motion may include opposing or counter-affidavits, executed by Plaintiff or other persons, which have either been sworn to under oath, *i.e.*, notarized, or declared to under penalty of perjury in accordance

¹ Plaintiff is reminded of his responsibility to comply with Local Rule 5.5(c)(2) of the Rules of the United States District Court for the Eastern District of Arkansas, which provides that: "It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. If any communication from the Court to a pro se plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding pro se shall be expected to be familiar with and follow the Federal Rules of Civil Procedure."

with 28 U.S.C. § 1746. Any affidavits submitted by Plaintiff must be based upon the personal knowledge of the person executing the affidavit. No affidavit or other document containing Plaintiff's allegations will be considered when determining the motion for summary judgment unless it has been sworn to under oath or declared under penalty of perjury.

Under Local Rule 56.1 of the Rules of the United States District Court for the Eastern District of Arkansas, Plaintiff is also ordered to file a separate, short and concise statement setting forth the facts which he thinks need to be decided at a trial.

The Court notes that in their motion, Defendants argue that Plaintiff failed to sustain physical injury, an allegation necessary to support an eighth amendment claim. Plaintiff is ordered to provide the Court any and all medical evidence to support his claim that he was injured during the incident giving rise to this lawsuit.

IT IS SO ORDERED this 11th day of December, 2009.


UNITED STATES MAGISTRATE JUDGE