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

ERIC C. BURGIE   **PLAINTIFF**
ADC # 120956

v.   **NO. 4:09-CV-00920 GTE**

JIM R. HANNAH, et al.   **DEFENDANTS**

ORDER

Before the Court is Plaintiff Eric Burgie's motion for more definite statement. Therein,

Burgie, proceeding *pro se*, seeks to require Defendant Sue Newberry, the sole remaining

Defendant in this action, to provide a more definite statement in connection with paragraph 12 of

her declaration in support of summary judgment, which reads:

> The Arkansas Supreme Court has specifically directed my office to reject any
> attempt by an appellant to file a pleading in a closed direct appeal that seeks to
> reopen the direct appeal. This directive was made by the Court in order to
> promote stability within the Arkansas appellate system. Otherwise, appellants
> would routinely seek reopening of closed cases *ad nauseam*.

Plaintiff Burgie argues that Newberry must support these "naked claims" with

"official and valid documentation or evidence." He is wrong. In her position as Criminal

Justice Coordinator, Newberry takes instruction from the Arkansas Supreme Court

justices. There is no requirement that such instruction be in writing. Plaintiff Burgie's

motion (docket entry # 49) has no merit and is hereby DENIED.

In an Order dated June 25, 2010, the Court directed Burgie that he was required to

file a response to Defendant Newberry's motion for summary judgment (docket entry #

43) by today, July 12, 2010. Instead, he filed the instant motion on July 9, 2010.

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The Court now advises Burgie that he must file any opposition he has to the summary judgment motion by July 23, 2010. Plaintiff is hereby notified that no further delays will be tolerated. The Court will consider the motion for summary judgment ready for decision after July 23, 2010, whether or not Plaintiff submits a response opposing the motion.

IT IS SO ORDERED this ___12th___ day of July, 2010.

 /s/Garnett Thomas Eisele
 UNITED STATES DISTRICT JUDGE