

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

BRIAN JUDAH MICHALEK

PLAINTIFF

V.

NO. 4:11CV00685 JTR

PATRICK LUNSFORD, et al.

DEFENDANTS

ORDER

Pending before the Court is Defendants' Renewed Joint Motion for Summary Judgment, *Doc. #53*. Through appointed counsel, Plaintiff has filed a Reply, *Doc. #73*, and a Motion to Amend Scheduling Order, *Doc. #72*.

Neither of Plaintiff's previous two appointed attorneys conducted any discovery or filed any amended pleadings in this matter. Plaintiff's current attorney asserts that, without the benefit of discovery, he cannot adequately respond to Defendants' Renewed Joint Motion for Summary Judgment.

Plaintiff's Motion to Amend Scheduling Order is **granted**.¹ Defendants' Renewed Joint Motion for Summary Judgment is **denied**, without prejudice to Defendants' refiling that Motion within the deadlines specified in the Final

¹The Court has granted this extension based solely on Plaintiff's counsel's assertion that he must conduct discovery in order to respond to Defendants' Renewed Joint Motion for Summary Judgment. Simply put, Plaintiff's counsel allowed far too much time to go by before deciding that he needs more time to conduct discovery. Having now fully and completely exhausted the Court's patience, Plaintiff's counsel should understand that his *first priority* must be to prepare this case for trial and that *no further delays will be tolerated*.

Scheduling Order.

A Final Scheduling Order will be entered, setting new discovery and motions deadlines, and a trial date.² ALL DEADLINES IN THE FINAL SCHEDULING ORDER ARE IMMUTABLE. ANY FUTURE REQUEST BY COUNSEL TO CHANGE ANY OF THOSE DEADLINES WILL BE SUMMARILY DENIED.

DATED THIS 19th DAY OF February, 2014.


UNITED STATES MAGISTRATE JUDGE

²On February 13, 2014, a Consent to Jurisdiction by a United States Magistrate Judge was entered, showing that all parties had consented in writing to allow this Court to exercise plenary jurisdiction in this case. *Doc. #74*. On February 19, 2014, the Court conducted a telephone conference with counsel *who agreed* to all of the deadlines that the Court will incorporate into the Final Scheduling Order.