

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

WILLIE ATKINS

PLAINTIFF

VS.

NO. 4:13CV-00116 SWW

**SERGEANT DAVID MILLER,
ET AL.**

DEFENDANTS

ORDER

Before the Court is defendants' motion for summary judgment to which plaintiff responded. Pursuant to Fed.R.Civ.P. 56(d), the Court finds plaintiff's counsel has shown by affidavit that he cannot present facts essential to justify plaintiff's opposition to the motion. The Court therefore denies the motion for summary judgment without prejudice. By separate order, the Court will reschedule the trial date and set new discovery and motions deadlines.

IT IS THEREFORE ORDERED that the motion for summary judgment [ECF No, 18] is denied without prejudice.

DATED this 9th day of May, 2014.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE