

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

HERBERT McDANIELS

PLAINTIFF

V.

4:16CV00404 JM

**RICK McKELVEY, DANIEL WATSON,
DAVID JOHNSON, ASHLEY COUNTY
SHERIFF'S DEPARTMENT, ASHLEY
COUNTY DEPT. OF ADULT DETENTION,
CHICOT COUNTY SHERIFF'S DEPT.,
ARKANSAS STATE POLICE, et al,**

DEFENDANTS

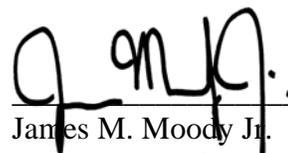
ORDER

The Defendants have filed a motion asking the Court to sanction the Plaintiff for failing to attend his deposition. Plaintiff's counsel, Justin Hurst and Q. Byrum Hurst, have filed a Motion to Withdraw as Plaintiff's counsel. The Court has reviewed all of the pleadings.

The Motion to Withdraw filed by Plaintiff's attorneys is denied. Plaintiff is ordered to pay the costs of the May 12, 2017 deposition because he failed to inform counsel that he would not attend. Plaintiff is directed to pay \$376.08 to Rainwater, Holt & Sexton P.A., Post Office Box 17250, Little Rock, AR 72222-7250 and \$75.00 to The Attorney General of the State of Arkansas, 323 Center Street, Suite 200, Little Rock, AR 72201-2610 for deposition cost reimbursement. Further, Plaintiff is ordered to appear at an agreed upon date, time and place for deposition on or before June 9, 2017. The Court will not dismiss Plaintiff's case at this time. However, failure to appear may result in dismissal of the case.

The Motion to Withdraw (ECF No. 54) is DENIED. The Motion for Sanctions (ECF No. 49) is GRANTED in part and DENIED in part.

IT IS SO ORDERED this 25th day of May, 2017.



James M. Moody Jr.
United States District Judge