

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

MACK LANGFORD,
ADC #94147, et al.

PLAINTIFFS

v.

5:05CV00216HLJ

NNAMDI IFEDIORA, et al.

DEFENDANTS

ORDER

This matter is before the Court on plaintiffs' motions for disbursement of funds or in the alternative, for an extension of time, and to extend time to exchange case-in-chief expert disclosures (DE ##110, 112), and on defendants' motion to substitute party (DE #113).

In the plaintiffs' motions, the Court is asked to approve the disbursement of funds to pay for an expert witness, or in the alternative, to extend the deadline for exchanging expert disclosures. Plaintiffs also ask, in the alternative, for the Court to appoint an expert. Plaintiffs indicate that defendants do not object to the request for extension of time. In light of such, the Court will grant an extension of time in which to exchange expert disclosures, and will deny without prejudice the remaining requests.

In their motion, defendants ask the Court to substitute Marvin Evans as a party defendant in the place of defendant Warden Rick Toney, who passed away on January 7, 2009. Plaintiffs filed a response to the suggestion of death indicating they do not object to the dismissal of defendant Toney. Accordingly,

IT IS, THEREFORE, ORDERED that plaintiff's motions for disbursement of funds or for an extension of time, and to extend time to exchange case-in-chief expert disclosures (DE ##110, 112) are hereby GRANTED in part, with respect to the request for extension of time. Case-in-chief

disclosures shall be filed on or before March 13, 2009.

IT IS FURTHER ORDERED that defendants' motion to substitute party (DE #113) is hereby GRANTED. Defendant Rick Toney is hereby DISMISSED and defendant Marvin Evans is hereby substituted as a party defendant.

IT IS SO ORDERED this 5th day of February, 2009.

Henry L. Jones, Jr.

United States Magistrate Judge