

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

ROBERT BRYAN HOLT,  
ADC #104652

PLAINTIFF

v.

5:09CV00167SWW/JTK

LARRY NORRIS, et al.

DEFENDANTS

ORDER

This matter is before the Court on the defendant's motion for summary judgment (Doc. No. 37)<sup>1</sup> and on the plaintiff's motions for copies and to compel (Doc. Nos. 52, 53). Plaintiff has not filed a response to defendant's motion, and states in his motion for copies that he is missing numerous pages from his deposition, which are needed before responding to defendant's motion. In addition, in his motion to compel, plaintiff asks for leave of Court to belatedly submit his first set of interrogatories to the defendant, the answers to which are also needed prior to responding to defendant's motion.

Defendant has filed a response (Doc. No. 56) in which he notes that the summary judgment has been pending since January 25, 2010, and that plaintiff has received two extensions of time in which to file his response. Defendant also asks that plaintiff's complaint against him be dismissed with prejudice, for his failure to respond to the motion, and failure to file a statement of material facts.

The Court notes that in its April 5, 2010 Order granting plaintiff's second motion for an extension of time, the Court stated plaintiff would not be granted any additional extensions. However, in the abundance of caution, the Court will grant plaintiff's motion for copies of his deposition transcript, and will provide him with one final opportunity in which to respond to defendant's motion. The Court will not, however, permit additional discovery, and will

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<sup>1</sup>The sole remaining defendant in this action is Dr. Robert Scott.

therefore deny his motion to compel. Accordingly,

IT IS, THEREFORE, ORDERED that the plaintiff's motion for copies (Doc. No. 52) is hereby GRANTED. Defendant is hereby directed to forward to plaintiff copies of the missing pages of his deposition, as noted in his motion, within ten days of the date of this Order.

IT IS FURTHER ORDERED that plaintiff's motion to compel (Doc. No. 53) is hereby DENIED. Plaintiff shall file a response to defendant's summary judgment motion within twenty days of the date of this Order. Failure to respond may result in the dismissal of plaintiff's complaint, pursuant to Local Rule 5.5(c)(2).

IT IS SO ORDERED this 29<sup>th</sup> day of April, 2010.



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UNITED STATES MAGISTRATE JUDGE