

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

DON MERCELEANY R. MAXWELL/G-DOFFEE
ADC #108778

PLAINTIFF

V.

NO: 5:09CV00325 SWW/HDY

ANGELA TYLER *et al.*


DEFENDANTS

ORDER

On September 2, 2011, Defendants filed a motion for judgment on the pleadings, or in the alternative, a motion for summary judgment, a brief in support, and a statement of facts (docket entries #61-#63). The Court will treat the motion as a motion for summary judgment.

Plaintiff's response to the motion is due no later than 14 days after the entry of this order. Plaintiff is advised that his response to the motion may include opposing or counter-affidavits, executed by him or other persons, which have been either sworn to under oath, *i.e.*, notarized, or declared to under penalty of perjury in accordance with 28 U.S.C. § 1746. Any opposing or counter-affidavits submitted by the Plaintiff must be based upon the personal knowledge of the person executing the affidavit. No affidavit or other document containing Plaintiff's allegations will be considered when determining the motion for summary judgment unless it has been sworn to under oath or declared under penalty of perjury.

IT IS SO ORDERED this 23 day of September, 2011.



UNITED STATES MAGISTRATE JUDGE