

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

RHONDA KAY STEWART *et al.*

PLAINTIFFS

V.

NO: 5:11CV00179 JMM/HDY

SHERRY A. CONRAD *et al.*

DEFENDANTS

**ORDER**

Plaintiff Terrance Proctor has filed a motion to continue the pre-jury evidentiary hearing scheduled for March 5, 2012 (docket entry #104), and a motion for service for Grant Harris. Defendants have filed responses opposing both motions (docket entries #109-#110).

Proctor seeks a continuance, or in the alternative, an order directing Defendants to respond to his discovery requests before the hearing. According to Defendants' response (docket entry #109), they have now responded to the discovery requests. Accordingly, Proctor's motion for a continuance is moot.

Proctor's motion for service for Harris is essentially a motion to amend to add Harris as a Defendant. Because it appears that Proctor originally intended to name Harris as a Defendant, and Harris is named on the first page and in the body of the complaint, the motion will be granted.

IT IS THEREFORE ORDERED THAT:

1. Proctor's motion to continue (docket entry #104) is DENIED.
2. Proctor's motion for service for Grant Harris is GRANTED. The Clerk is directed to add Harris as a Defendant, and to prepare a summons for Harris. The United States Marshal is directed to serve a copy of the complaint (docket entry #1), this order, and summons on Harris, without prepayment of fees and costs or security therefor.

DATED this 29 day of February, 2012.

A handwritten signature in black ink, appearing to read "H. J. Jones", written above a horizontal line.

UNITED STATES MAGISTRATE JUDGE