

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

LARRY WAYNE JONES,
ADC #70147

PLAINTIFF

v.

5:12CV00423-JLH-JTK

DARRYL GOLDEN, et al.

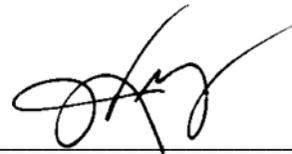
DEFENDANTS

ORDER

This matter is before the Court on Defendants' Motion to Dismiss (Doc. No. 34). Plaintiff filed a Response, Brief and Declaration, in opposition to the Motion (Doc. Nos. 46-48). In Plaintiff's Response, he relies heavily on some answers to interrogatories filed in another lawsuit, Jones v. Conrad, et al., 5:10CV00355-BSM-JJV (Doc. No. 47, pp. 31-44). The Court considers this material as "matters outside the pleadings," and will treat the present Motion as one for Summary Judgment, pursuant to FED.R.CIV.P. 12(d). Accordingly,

IT IS, THEREFORE, ORDERED that Defendants' Motion to Dismiss (Doc. No. 34) shall be construed as a Motion for Summary Judgment. Defendants shall file a brief, and any relevant evidence in support of such (including affidavits), within twenty days of the date of this Order. Plaintiff shall file a Response to Defendants' filings within fifteen days thereafter.

IT IS SO ORDERED this 10th day of July, 2013.



JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE