

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

MICHAEL SHANE WREN

PLAINTIFF

v.

5:13CV00073-KGB-JJV

DEBRA MCAFEE, Captain,
Tucker Unit, ADC; *et al.*

DEFENDANTS

ORDER

Defendants filed Motions for Summary Judgment, Briefs in Support, and Statements of Undisputed Facts on January 10, 2014, and January 13, 2014 (Doc. Nos. 39-41, 43-45). Plaintiff has not responded.

At the summary judgment stage, a plaintiff cannot rest upon mere allegations and, instead, must meet proof with proof. *See* FED. R. CIV. P. 56(e). A plaintiff must respond to such a motion and include his legal arguments, affidavits,¹ prison records, or other evidence if he wishes to establish that there is a genuine issue of material fact that must be resolved at a hearing or trial.

Pursuant to Local Rule 56.1, a plaintiff shall also file a separate Statement of Disputed Facts, listing each numbered paragraph he disagrees with in Defendants' Statements of Undisputed Facts (Doc. Nos. 40, 45), and explain why he disputes those facts, and list any other disputed facts that he believes must be resolved at a hearing or trial.

Finally, if a plaintiff intends to rely on grievances or records that have been previously filed with the Court, he must refer to those documents by docket number, page, date, and heading. Courts cannot sift through the file to find support for a plaintiff's factual contentions. *See Crossley v. Georgia-Pacific Corp.*, 355 F.3d 1112, 1113-14 (8th Cir. 2004) (affirming the grant of summary

¹An affidavit must be based on the personal knowledge of the person executing the affidavit and must be either 1) sworn and subscribed to by a notary public, or 2) executed under penalty of perjury, as provided for by 28 U.S.C. § 1746.

judgment because a plaintiff failed to properly refer to specific pages of the record that supported his position).

Therefore, if Plaintiff wishes to respond to the pending Motions for Summary Judgment, he should file responses in accordance with this Order² **within twenty-one (21) days of the entry of this Order**. Failure to timely and properly comply with this Order will result in (a) all of the facts in Defendants' summary judgment pleadings being deemed admitted by Plaintiff, pursuant to Local Rule 56.1(c); or (b) the dismissal of this action without prejudice pursuant to Local Rule 5.5(c)(2).

IT IS SO ORDERED this 30th day of January, 2014.



JOE J. VOLPE
UNITED STATE MAGISTRATE JUDGE

²A Response would require a separate Statement of Disputed Facts that complies with FED. R. CIV. P. 56, Local Rule 56.1, and the instructions in this Order.