

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

JOSHUA A. STRICKLIN,
ADC #138119

PLAINTIFF

V.

5:13CV00385 DPM/JTR

CYNTHIA REED, Correctional Officer,
Varner Super Max Unit, ADC

DEFENDANT

INITIAL SCHEDULING ORDER

Defendant Reed has filed her Answer and a Motion seeking permission to depose Plaintiff. *Docs. 9 & 10*. The Court finds good cause for granting that request. *See* Fed. R. Civ. P. 30(a)(2)(B). Additionally, the Court will give the parties 120 days to *complete* discovery and 150 days to file any dispositive motions.¹

Plaintiff alleges that, on or about September 10, 2013, Defendant Reed used excessive force against him at the Varner Super Max Unit. *Doc. 2*. **Defendant must immediately preserve any video recordings of that incident and any photographs that may have been taken of Plaintiff's injuries. Defendant will have thirty days to locate any such video recordings and photographs and file them, under seal,**

¹ This means that the parties must send their final discovery requests to the opposing side so that they have the full amount of time, as provided by the Federal Rules of Civil Procedure, to respond before the discovery deadline expires. For instance, Fed. R. Civ. P. 33(b)(2) states that a party has 30 days to respond to interrogatories. Thus, the parties must send their final interrogatories to the opposing side *at least* 30 days before the expiration of the discovery deadline.

with the Clerk of the Court for the Eastern District of Arkansas. If any such video recordings or photographs have been lost, destroyed, or are no longer available (for any reason), Defendant must notify the Court within thirty days and provide a detailed explanation of why that evidence is no longer available and the names of all ADC employees who had any involvement in the destruction or loss of that evidence. The Court will then promptly schedule a hearing to take testimony from the named ADC employees concerning how and why the video recordings and photographs were lost or destroyed.

IT IS THEREFORE ORDERED THAT:

1. Defendant's Motion to Depose Plaintiff (*Doc. 10*) is GRANTED.
2. Defendant must, **on or before March 17, 2014**, comply with the instruction in this Order regarding the preservation of video recordings and photographs.
3. The parties must complete discovery **on or before June 16, 2014**, and file any dispositive motions on or before **on or before July 14, 2014**.

Dated this 19th day of February, 2014.



UNITED STATES MAGISTRATE JUDGE