

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

JACOB THOMAS EARLS,
ADC# 114556

PLAINTIFF

V.

5:17-CV-00091 DPM/JTR

STEVEN STRINGFELLOW, et al

DEFENDANTS

ORDER

Defendant Steven Stringfellow has filed a Motion for Summary Judgment, a Brief in Support, and a Statement of Undisputed Facts. *Docs. 34, 35, & 36*. Plaintiff has the right to file a Response to that Motion.

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)*. This means that Plaintiff's Response should include his legal arguments, as well as affidavits,¹ prison records, or other evidence establishing that there is a genuine issue of material fact that must be resolved at a hearing or trial.

Furthermore, pursuant to Local Rule 56.1, Plaintiff's Response must be accompanied by a separate document captioned "Statement of Disputed Facts", which specifically identifies: (a) any disagreement he has with the numbered

¹ The affidavit must be based upon 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.

factual

assertions in Defendants' Statement of Undisputed Facts² (*Doc. 36*); and (b) any other disputed facts that he believes must be resolved at a hearing or trial.

Finally, if Plaintiff intends to rely on documents that have been previously filed in the record, he must specifically refer to those documents by docket number, page, date, and heading. The Court will not sift through the file to find support for Plaintiff's factual contentions. *See Crossley v. Georgia-Pacific, Corp.*, 355 F.3d 1112, 1113-14 (8th Cir. 2004) (affirming the grant of summary judgment because a plaintiff failed to properly refer to specific pages of the record that supported his position).

IT IS THEREFORE ORDERED THAT:

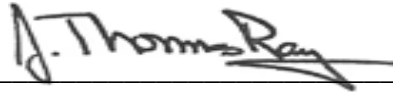
1. Plaintiff has until and including **February 19, 2018**, to file a Response to Defendant's Motion for Summary Judgment and a separate Statement of Disputed Facts that comply with Fed. R. Civ. P. 56, Local Rule 56.1, and the instructions in this Order.

2. Plaintiff is advised that the failure to timely and properly file a Response and Statement of Disputed Facts will result in: (a) all of the facts in Defendants' Statement of Undisputed Facts being deemed admitted by Plaintiff,

² If Plaintiff disputes any of the facts in Defendants' Statement of Undisputed Facts, he *must identify* each numbered paragraph that contains the facts he disputes *and*, for each paragraph, explain *why* he disputes those facts.

pursuant to Local Rule 56.1(c); and (b) the possible dismissal of this action, without prejudice, pursuant to Local Rule 5.5(c)(2).

Dated this 26th day of January, 2018.

A handwritten signature in black ink that reads "J. Thomas Ray". The signature is written in a cursive style with a prominent initial "J" and a long, sweeping underline that extends to the right.

UNITED STATES MAGISTRATE JUDGE