

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

DERROL DEE KIRBY, III

PLAINTIFF

v.

Civil No. 06-2168

JOHN ROTH, Ex-Chief of Police, Barling, Arkansas
Police Department; LARRY MERCHANT, next in charge
under Police Chief, Barling Police Department;
CITY OF BARLING; KEVIN DOUGAN,
Barling Police Department Patrolman; JOHN
BARBOR, Barling Police Department Patrolman

DEFENDANTS

ORDER

Now before the Court is the Motion to Continue (Doc. 50). Defendants seek to reset the date of the bench trial currently scheduled for February 2, 2010, due to a scheduling conflict. Plaintiff has not responded to this Motion, but has filed his own Motion for Extension of Time to Complete Discovery (Doc. 47), which is also pending before the Court.

Upon due consideration, and for good cause shown, the Motion to Continue (Doc. 50) is hereby GRANTED. **The Bench Trial previously scheduled in this case shall be reset to April 15, 2010, at 10:00 a.m.** The Scheduling Order (Doc. 49) shall remain in effect in all other respects.

Accordingly, the Motion for Extension of Time to Complete Discovery (Doc. 47) is also hereby GRANTED. **The parties shall have until and including February 19, 2010 to complete discovery in this case.**

The following is also hereby **ORDERED**:

- 1) Plaintiff's Motions to Compel (Docs. 38 and 52) are **DENIED as moot** as the time for discovery has been extended. Plaintiff may resubmit any unanswered discovery

to the Defendants.

- 2) Motions for Subpoenas (Docs. 43, 44, 45, 54 and 56) are also **DENIED as moot** as these Motions seek to subpoena information which may be provided by the Defendants. As discovery has been extended in this case, requests for this information may be resubmitted to the Defendants.
- 3) Motions for Subpoenas (Doc. 51 and 59) are Motions by Plaintiff to subpoena certain individuals to the Bench Trial scheduled in this case. As the date of this bench trial has been rescheduled, these Motions are **DENIED as moot**. Plaintiff may resubmit the names of his potential witnesses in accordance with the Scheduling Order (Doc. 49).

IT IS SO ORDERED this 21st day of December 2009.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE