

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

GINA SALLEE

PLAINTIFF

v.

No. 2:22-cv-02155

BLAKE ROGERS; TIERRA, INC.; JERRY
MARTIN, personally and in his individual capacity
as Mayor; MARK YARDLEY, personally and in
his individual capacity as Public Works Director;
CITY OF ALMA, ARKANSAS; JOHN DOES 1-8

DEFENDANTS

OPINION AND ORDER

Before the Court is Separate Defendants Blake Rogers and Tierra, Inc.'s motion (Doc. 15) for judgment on the pleadings. Plaintiff Gina Sallee has filed a response in opposition (Doc. 16). Additional evidence was attached to both the motion and the response. (Docs. 15-1, 15-2; Doc. 16-1). Under the Federal Rules of Civil Procedure, this converts the motion into one for summary judgment. Fed. R. Civ. P. 12(d). As there has been little time for discovery, the Court will DENY the motion as premature. The parties may file for summary judgment after the close of discovery.

IT IS THEREFORE ORDERED that Defendants Blake Rogers and Tierra, Inc.'s motion (Doc. 15) for judgment on the pleadings is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED this 19th day of January, 2023.

P. K. Holmes, III

P.K. HOLMES, III
U.S. DISTRICT JUDGE