

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HARRISON DIVISION**

**TERRY GALE PLUNK**

**PLAINTIFF**

v.

**CASE NO. 09-cv-3039**

**LYLE SMITH *et al.***

**DEFENDANTS**

**ORDER**

Defendants Bright, Hollis, and McCullough have filed a Motion for Leave to Depose Plaintiff. Mot., ECF No. 76. Separate Defendant Hickman, Pemberton, and T. Smith have also filed a Motion for Leave to Depose Plaintiff. Mot., ECF No. 81. This Court previously granted the Motions for Leave to Depose Plaintiff which were filed by Defendants Harris, Jenkins, Lovass, City of Harrison, Harrison Police Department, Osborne, and L. Smith. Order, ECF No. 74.

Plaintiff, Terry Gale Plunk, Inmate #139430, is currently incarcerated in the Cummins Unit of the Arkansas Department of Correction in Grady, Arkansas.

The Motions for Leave to Take Deposition of the Plaintiff, ECF Nos. 76 and 81, are **GRANTED. The Clerk is directed to send a copy of this order to the Warden, Cummins Unit, Arkansas Department of Correction, P.O. Box 500, Grady, AR 71644-0500.** The order should be sent to the Warden by certified mail with return receipt requested.

However, also before the Court is the Motion to Stay Taking of Depositions, Mot., ECF No. 82, filed by the Plaintiff. Plaintiff requests that any deposition of him be stayed for forty-five days to allow him to obtain counsel in this matter. Plaintiff is currently proceeding *pro se* and *in forma pauperis*. Plaintiff states he suffers from mental and physical impairments and requires the assistance of counsel. Defendants have filed no opposition to Plaintiff's Motion to Stay.

Upon due consideration, and for good cause shown, Plaintiff's Motion to Stay Taking of Depositions, Mot., ECF No. 82, is hereby **GRANTED**. **Defendants shall refrain from deposing Plaintiff until forty-five days from the date of this Order so Plaintiff may obtain counsel.**

However, after that time, Defendants may depose Plaintiff, regardless of Plaintiff's ability to obtain counsel. If counsel enters an appearance on Plaintiff's behalf before the forty-five days have passed, depositions may be taken at that time.

IT IS SO ORDERED this 25th day of October 2010.

/s/ J. Marschewski  
HON. JAMES R. MARSCHEWSKI  
U.S. MAGISTRATE JUDGE