

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

DALE B. ADAMS

PLAINTIFF

v.

Civil No. 09-3054

TYSON FOODS, INC., et al.

DEFENDANTS

ORDER

NOW on this 18th day of February 2010, the above referenced matter comes on for consideration of the following motions:

* plaintiff's **Motion to Stay Proceedings of Amended Petition** (document #18 -- "**Motion #18**");

* plaintiff's **Motion for Extension to Amend Complaint** (document #25 -- "**Motion #25**"); and,

* plaintiff's **Motion for Time Extension** (document #26 -- "**Motion #26**").

The Court, being well and sufficiently advised, finds and orders as follows:

1. The Court first notes that Magistrate Judge James R. Marschewski filed a **Report and Recommendation** (document #10 -- "**R&R**") in this matter on January 6, 2010, which **R&R** advised plaintiff that he had ten (10) days from the date thereof in which to file any objections he might have to the same.

2. On January 14, 2010, plaintiff requested an extension of time within which to respond to the **R&R** (see document #13).

3. By Order of January 20, 2010 (document #14), the Court granted plaintiff's request for an extension -- and extended the time within which plaintiff may file objections to **R&R** to February 25, 2010.

4. On January 27, 2010, the plaintiff filed **Motion #18** in which he seeks to stay these proceedings while he awaited receipt of a "right to sue" letter from the EEOC.

5. On February 12, 2010, plaintiff filed **Motion #25** in which he states that, although he has recently received an additional "right to sue" letter from the EEOC, he nevertheless needs -- due to "personal matters" -- additional time within which to present his claims.

6. On February 16, 2010, plaintiff filed **Motion #26** in which he seeks additional time beyond February 25, 2010, to reply to the **R&R**.

7. **Motion #18** appears to be moot as it seems that plaintiff now has received the "right to sue" letter mentioned therein. Accordingly, it will be denied.

8. As to **Motion #25**, the Court notes that Rule 15 of the Federal Rules of Civil Procedure governs the time frame within which a party may amend his or her pleadings. The Court sees no reason to address this request until such time as it has ruled on the **R&R**. Accordingly, **Motion #25** will be taken under advisement

until such time as the Court has ruled on any objections to the **R&R** and has considered and acted thereon.

9. As to **Motion #26** (requesting an extension of time to respond to the **R&R** beyond February 25, 2010), the Court will grant it for an extension up through Thursday, March 11, 2010. That said, however, plaintiff is warned that it is quite unlikely the Court will allow any more extensions of this time period.

IT IS, THEREFORE, ORDERED:

* that the **Motion to Stay Proceedings of Amended Petition** (document #18) should be, and hereby is, **denied**;

* that the **Motion for Time Extension to Amend Complaint** (document #25) should be, and hereby is, **taken under advisement** pending a ruling on the **R&R**; and

* that the **Motion for Time Extension** (document #26) should be, and hereby is, **granted** to the extent that the time within which plaintiff may respond to the **R&R** is extended up through Thursday, March 11, 2010.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE