

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION**

**LONNIE JOHNSON**

**PLAINTIFF**

v.

**Civil No. 4:11-cv-04099**

**DR. DEVLIN**

**DEFENDANT**

**ORDER**

Plaintiff, Lonnie Johnson, proceeds in this matter *pro se* and *in forma pauperis*. Currently before the Court are (1) Plaintiff's Motion for Order (ECF No. 76); and (2) Plaintiff's Motion to Lift Stay (ECF No. 81).

1. Motion for Order (ECF No. 76)

On February 5, 2014, Plaintiff filed a document titled Motion to Inform which was filed by the Clerk as a Motion for Order. ECF No. 76. In this Motion, Plaintiff requests the Court deny Defendant's Motion for Summary Judgment and set this matter for trial based on Defendants failure to file a reply as ordered in the Court's November 25, 2013 Order. In the Court's November 25, 2013 Order, however, the Court directed Plaintiff to file a Supplement to his Response to the remaining issues in Defendant's Motion for Summary Judgment and noted that Defendant Devlin "may" file a reply if she wished. This was an invitation to file a reply not an order to do so.

Accordingly, Plaintiff's Motion for Order (ECF No. 76) is **DENIED**. The Court will consider Plaintiff's supplement to his Response to Defendant's Motion for Summary Judgment and issue a Report and Recommendation on the remaining issues in accordance with the Court's September 30, 2013 Order. ECF No. 58.

2. Motion to Lift Stay (ECF No. 81)

In this Motion, Plaintiff notes that he received the judgment on his appeal from the Eighth Circuit Court of Appeals and he is now ready to proceed in this matter against Defendant Devlin. The Eighth Circuit dismissed Plaintiff's appeal for lack of jurisdiction, therefore, there is no longer a need for this case to be stayed. ECF No. 80.

Accordingly, Plaintiff's Motion to Lift Stay (ECF No. 81) is **GRANTED** and the Clerk is **DIRECTED** to reopen this matter.

**IT IS SO ORDERED** this 24<sup>th</sup> day of February 2015.

/s/ Barry A. Bryant  
HON. BARRY A. BRYANT  
U. S. MAGISTRATE JUDGE