

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

LOUIS EDWARD RICHARD

PLAINTIFF

V.

CIVIL NO. 4:14-cv-4027

JANA TALLANT, et al

DEFENDANTS

ORDER

BEFORE the Court are the Plaintiff's Motion for Jury Trial (ECF No. 14) and Motion to Withdraw Consent to Magistrate (ECF No. 22). In both of these Motions Plaintiff seeks to have his claims presented to a jury. Defendant objects to this request. ECF No. 15.

The Plaintiff's Complaint was filed on February 10, 2014, and a Supplement to his Complaint on May 7, 2014. ECF Nos. 1 and 9. Defendants filed their Answer on May 29, 2014. ECF No. 12. Plaintiff's motion for Jury Trial was filed on June 26, 2014. The Motion to Withdraw Consent to Magistrate was filed on August 6, 2014.

Pursuant to Rule 38(b)(1) of the Federal Rules of Civil Procedure a party may file a written request for a jury trial no later than fourteen (14) days after the last pleading directed to the issue is served. The last such pleading in this case was the Answer of the Defendants filed on May 29, 2014. The last day Plaintiff could have requested a jury trial was therefore June 13, 2014. Failure to file such a request constitutes a waiver of the right to have a jury trial. Plaintiff's request was filed at the earliest on June 26, 2014, he has thus waived his right to demand a jury trial in this matter.

IT IS THEREFORE ORDERED Plaintiff's Motion for Jury Trial (ECF No. 14) and Motion

to Withdraw Consent to Magistrate (ECF N0. 22) are **DENIED**.

ENTERED this **2nd day of February 2015**.

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