

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

JOHN HUSSEL MATHIS, III

PLAINTIFF

v.

Civil No. 4:16-cv-04105

NURSE S. KING, Southern Health  
Partners; LIEUTENANT GOLDEN  
ADAMS; WARDEN M. MOORE;  
GRIEVANCE OFFICER A. LANDRETH;  
And SHERIFF RON STOVALL, Miller  
County, Arkansas

DEFENDANTS

**ORDER**

Plaintiff John Hussel Mathis, III filed this 42 U.S.C. § 1983 action *pro se* on November 2, 2016. ECF No. 1. Before the Court is Plaintiff's Motion for Leave to Amend his Complaint (ECF No. 22) and Motion to Amend Initial Scheduling Order. (ECF No. 23).

On January 31, 2017, I entered an Initial Scheduling Order which set forth various deadlines for this case. (ECF No. 11). The deadline for the parties to file motions to amend pleadings was May 1, 2017. The deadline for discovery was June 1, 2017.<sup>1</sup>

On July 14, 2017 Defendant Steven King filed a Motion for Summary Judgment. (ECF No. 14). On July 31, 2017, Defendants Adams, Landreth, Moore and Stovall filed a Motion for Summary Judgment. (ECF No. 18). The deadlines for Plaintiff to amend his Complaint and conduct discovery expired months ago.

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<sup>1</sup> Plaintiff alleges in his Motion to Amend the Initial Scheduling Order that Defendants withheld his medical records. However, the Initial Scheduling Order clearly states any problems with discovery were to be brought to the Court's attention within twenty days after the discovery response was due. (ECF No. 11). Plaintiff did not file a motion to compel with the Court and it is not clear if Plaintiff ever requested his medical records from Defendants.

Accordingly, Plaintiff's Motion for Leave to Amend (ECF No. 22) and Motion to Amend Initial Scheduling Order (ECF No. 23) are **DENIED** as untimely.

**IT IS SO ORDERED THIS 23rd day of August 2017.**

/s/ Barry A. Bryant  
HON. BARRY A. BRYANT  
UNITED STATES MAGISTRATE JUDGE