

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

MILTON ROSS,)	
)	
Plaintiff,)	
)	
v.)	Case No. CV411-198
)	
DOCTOR ERIC FOGAM,)	
)	
Defendant.)	

ORDER

This case is on remand from the Eleventh Circuit, which concluded that this Court abused its discretion in dismissing plaintiff Milton Ross’ Complaint with prejudice for lying on his *in forma pauperis* (IFP) application. *Ross v. Fogam*, 2016 WL 66668 (11th Cir. Jan. 5, 2016). That court found that plaintiff’s IFP application mistakes in this and an earlier case “do not rise to the level of bad faith that would warrant dismissal with prejudice.” *Id.* at * 8. It then directed this Court “to permit Ross to proceed under his amended complaint.” *Id.*

Before Ross’ appeal from the grant of defendant Eric Fogam’s motion to dismiss, the Court determined that his claims against Fogam survived preliminary review. *See* doc. 24 at 6 (“[T]he Court is satisfied

that he has, if barely, alleged facts showing that Fogam was aware that there were better treatment options available for his chronic pain but denied access to those treatments for reasons other than sound medical judgment.”). Within 30 days of the date the Eleventh Circuit’s mandate is filed in this case, then, Fogam shall file an Answer to Ross’ Amended Complaint. Within 21 days thereafter, the parties must confer as provided in Fed. R. Civ. P. 26(f). Fourteen days after that, the parties must submit a Rule 26(f) report to the Court outlining their discovery plan. L.R. 26.1(b).

SO ORDERED, this 14th day of January, 2016.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA