

U.S. DISTRICT COURT
Southern District of Georgia

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

Nov. 20 20 09

A. Taylor
Deputy Clerk

MELVIN JAMES JACKSON,

Plaintiff,

v.

DON JACKSON, Warden;
Dr. CHARLES HARDEN, and
JUDY L. EDGY, PA,

Defendants.

CIVIL ACTION NO.: CV508-011

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff filed a Motion for Summary Judgment on August 21, 2009. Defendants were not served with the Complaint until a few days later. On October 7, 2009, Defendants Edgy and Harden timely filed their Answers. Two days later, Defendant Jackson timely filed his Answer. On October 22, 2009, Plaintiff filed an additional Motion for Summary Judgment, which was identical to the one filed on August 21.

Courts have broad discretion in controlling their dockets. Link v. Wabash Railroad Co., 370 U.S. 626, 633 n. 8 (1962). Plaintiff's first Motion for Summary Judgment was filed before Defendants were served with the Complaint. It would not be in the interests of justice to expect Defendants to timely respond to a Motion for Summary Judgment that was filed prior to service of the Complaint; nor would it be in the interests of justice to require Defendants to respond to both of Plaintiff's identical Motions for Summary Judgment.

CONCLUSION

Based on the foregoing, it is my **RECOMMENDATION** that Defendants' Motion for Summary Judgment filed on August 21, 2009 (Doc. 39) be **DISMISSED**.

SO REPORTED AND RECOMMENDED, this 20th day of November, 2009.



JAMES E. GRAHAM
UNITED STATES MAGISTRATE JUDGE