

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

OTIS BEASLEY,)	
)	
Plaintiff,)	
)	
v.)	12-CV-3022
)	
)	
FORREST ASHBY, et al.,)	
Defendants.)	

OPINION

SUE E. MYERSCOUGH, U.S. District Judge:

Plaintiff, proceeding pro se and detained in the Rushville Treatment and Detention Center, pursues claims arising from deliberate indifference to his diabetes. This case is set for a conference on August 13, 2012, but the conference will be cancelled as unnecessary. All Defendants have been served, and there are no pending issues to discuss. IT IS

THEREFORE ORDERED:

- 1) The status conference set for August 13, 2012, is cancelled. The clerk is directed to notify Plaintiff's prison of the cancellation.

- 2) The parties are reminded of their option to consent to proceed before a U.S. Magistrate Judge. (*See* attached form).
- 3) Defendants' Answers are due August 14, 2012.
- 4) By October 12, 2012, the parties shall provide to each other the initial disclosures described in Fed. R. Civ. P. 26(a)(1)(i)-(ii).
- 5) Plaintiff shall disclose expert witnesses and expert testimony pursuant to the requirements of Fed. R. Civ. P. 26(a)(2) by November 1, 2012.
- 6) Defendants shall disclose expert witnesses and expert testimony pursuant to the requirements of Fed. R. Civ. P. 26(a)(2) by December 3, 2012.
- 7) Discovery closes April 1, 2013.
- 8) Dispositive motions are due May 1, 2013.
- 9) Plaintiff's detention limits him to written discovery. Written discovery must be served on a party at least 30 days before the discovery deadline. Discovery requests and responses are not filed with the court, unless there is a dispute regarding such discovery. See CDIL-LR 26.3.

Motions to compel discovery must be accompanied by the relevant portions of the discovery request and the response. Additionally, except for good cause shown, motions to compel must be filed within 14 days of receiving an unsatisfactory response to a timely discovery request.

10) A final pretrial conference is scheduled for December 2, 2013, at 1:30 p.m.. Defendants' counsel shall appear in person. Plaintiff shall appear by video. The parties are directed to submit an agreed, proposed final pretrial order at least 14 days before the final pretrial conference.

11) The jury trial is scheduled on the Court's trailing trial calendar for January 7, 2014, at 9:00 a.m. before this Court in Springfield, Illinois. The actual date for jury selection and jury trial will be finalized at the final pretrial conference.

12) Plaintiff's motion for counsel is denied (d/e 9), with leave to renew. The Court cannot require an attorney to accept pro bono appointment on a civil case such as this. Pruitt v. Mote, 503 F.3d 647, 653 (7th Cir. 2007). Based on a review of Plaintiff's filings, the Court concludes at this point that Plaintiff appears competent to proceed pro

se, given the nature of his claims. Id. at 654-55 (7th Cir. 2007) (“[G]iven the difficulty of the case, does the plaintiff appear competent to litigate it himself?”). Plaintiff has personal knowledge of many of the relevant events and should be able to obtain medical records corroborating his medical condition and the treatment that he was receiving. Plaintiff’s filings thus far have effectively communicated the factual basis for his claims, though he does not appear to have any prior experience litigating in federal court. Plaintiff may renew his motion upon attaching documents showing the grade level at which he is performing (if he has any documentation) and documentation regarding his mental disorders.

ENTERED: August 3, 2012

FOR THE COURT:

s/Sue E. Myerscough
SUE E. MYERSCOUGH
UNITED STATES DISTRICT JUDGE



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

PAMELA E. ROBINSON
CLERK OF COURT

OFFICE OF THE CLERK

**NOTICE OF RIGHT TO CONSENT TO DISPOSITION OF A
CIVIL CASE BY A UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of 28 U.S.C. § 636(c) and Fed.R.Civ.P. 73, you are hereby notified that, upon the consent of all the parties in a civil case, the Court may appoint a United States Magistrate Judge of this District, who is specially certified to conduct any or all proceedings, including trial of and the entry of a final judgment. A copy of the appropriate consent form is attached.

You should be aware that your decision to consent, or not to consent, to the disposition of your case before a United States Magistrate Judge is entirely voluntary and should be communicated to the Clerk of the Court. Only if all the parties to the case consent to the reference to a Magistrate Judge will either the District Judge or Magistrate Judge to whom the case has been assigned be informed of your decision. Neither a District Judge nor a Magistrate Judge will attempt to persuade or induce any party to consent to the reference of this case to a Magistrate Judge.

If all parties consent, the form is to be e-signed (s/NAME) by all and e-filed with the Court pursuant to guidance in the Court's Local Rules 11.4(A) or (B). A certificate of service is not required to be filed with this document.

NOTE: The Court has approved s/NAME as an official signature on the Consent Form. Copies of the form and the Court's Local Rules are available at www.ilcd.uscourts.gov.

Peoria Division
100 N.E. Monroe St.
Room 309
Peoria, IL 61602
309.671.7117

Urbana Division
201 S. Vine St.
Room 218
Urbana, IL 61802
217.373.5830

Springfield Division
600 E. Monroe St.
Room 151
Springfield, IL 62701
217.492.4020

Rock Island Division
211 19th St.
Room 40
Rock Island, IL 61201
309.793.5778

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

Otis Beasley

Plaintiff

v.

Dr Michael Bednarz et al

Defendant

Civil Action No. 12-cv-03022

NOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE TO EXERCISE JURISDICTION

In accordance with the provisions of 28 U.S.C. §636(c), and Fed.R.Civ.P. 73, you are notified that a United States magistrate judge of this district court is available to conduct any or all proceedings in this case including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge shall be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of this district court.

CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

In accordance with provisions of 28 U.S.C. §636(c) and Fed.R.Civ.P. 73, the parties in this case consent to have a United States magistrate judge conduct any and all proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

Parties' printed names

Signatures of parties or attorneys

Dates

Four horizontal lines for parties' names, signatures, and dates.

Reference Order

IT IS ORDERED: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date:

District Judge's signature

Printed name and title

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.