

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

BERNARD PRICE,

PLAINTIFF,

VS.

CIVIL ACTION NO. 2:08CV262-P-S

TUNICA COUNTY, MISSISSIPPI, ET AL.,

DEFENDANTS.

ORDER

These matters come before the court upon the plaintiff's March 5, 2010 motion [57] to continue consideration of the defendants' motion for summary judgment pursuant to Fed. R. Civ. P. 56(f) and his March 5, 2010 motion [59] to continue trial. After due consideration of the motions and the responses filed thereto, the court finds as follows, to-wit:

On March 17, 2010 the court granted the plaintiff's motion to reopen discovery for the purposes of interviewing witness Ken Moseley and reopened discovery until April 14, 2010. The defendants filed their motion for summary judgment on March 3, 2010. The plaintiff's original response deadline was March 22, 2010. Since the plaintiff has been granted leave to reopen discovery until April 14, 2010, a continuance is proper. Furthermore, the plaintiff should also be allowed an additional two weeks after April 14, 2010 to respond to the motion for summary judgment.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) The plaintiff's March 5, 2010 motion [59] to continue trial is **GRANTED**; accordingly,
- (2) Trial of this matter is **CONTINUED** from July 12, 2010 to Monday, May 23, 2011 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi; and
- (3) The plaintiff's March 5, 2010 motion [57] to continue consideration of the defendants'

motion for summary judgment pursuant to Fed. R. Civ. P. 56(f) is **GRANTED**; therefore,

(4) The plaintiff shall have until May 3, 2010 by which to file his response to the defendants' motion for summary judgment and the defendants shall have five business days after receipt of the plaintiff's response to file their reply.

SO ORDERED this the 25th day of March, A.D., 2010.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE