

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

LA TIDTUS JONES

PLAINTIFF

V.

NO. 2:12CV00032-SA-JMV

THE CITY OF ROSEDALE

DEFENDANT

ORDER

Before the Court is the *pro se* prisoner plaintiff's motion (# 12) for a physical examination pursuant to FED.R.CIV.P. 35. Specifically, the plaintiff seeks an order requiring that the Mississippi Department of Corrections "produce" him for an examination of his arm by "a real licensed [sic] or certied [sic] bone examiner." According to the plaintiff, his claim against the defendants is based upon an assault which resulted in a "broken and severely dislocated right shoulder, broken right hand with nerve damages [sic] that plaintiff has never had the opportunity to receive adequate medical treatment for." The plaintiff further states that the condition of his shoulder and right hand "will be" in controversy and that a determination of the scope of his injuries is needed. This matter is currently set for a *Spears* hearing on June 4, 2012, and the defendants have not yet been called upon to answer the complaint. Accordingly, the instant motion is **DENIED** as premature.

This 16th day of May, 2012.

/s/ Jane M. Virden

U. S. MAGISTRATE JUDGE