

**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 second motion [21] for a physical examination pursuant to FED. R. CIV. P. 35. Specifically, Plaintiff seeks an order requiring that either the Bolivar County Regional Correctional Facility or the Mississippi Department of Corrections produce him for an examination—including MRI's and CAT scans—for the purpose of "determination of the scope of" injuries to his right hand and right shoulder. Said alleged injuries are allegedly the result of the "assault" which makes the basis of Plaintiff's complaint.

By Order [13] dated May 16, 2012, this court denied Plaintiff's first motion [12] for a Rule 35 examination as premature on the grounds that a *Spears* hearing had not yet been conducted and the defendants had not been called upon to answer the complaint. Now, considering that a Report and Recommendation for dismissal of this case is pending and process has not been issued for any defendant, the instant motion should likewise be, and is hereby, DENIED as premature.

This 24th day of July, 2012.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE