IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

LESLY GATHERIGHT PLAINTIFF

V. CAUSE NO.: 3:12CV111-SA-SAA

NORMAN CLARK, and
NAC FARMS, INC., a/k/a CLARK FARMS DEFENDANTS

ORDER ON MOTION

Currently pending before the Court is the Plaintiff's Motion for Second Supplement of his Motion for Partial Summary Judgment. In the course of this case and since he has been proceeding pro se, Plaintiff has filed a Motion for Partial Summary Judgment [31], Motion for Clarification of Defendant's Response to the partial summary judgment request [41], Motion for Clarification of Defendant's Response [42], a Reply to the Response to those motions [44], and several supplements to the Motion for Partial Summary Judgment [45, 50, 51, 59], among other motions and filings. Prior to his recusal, Judge Mills entered an Order denying the Motion for Partial Summary Judgment [31], as well as the supplemental motions. The district court stated explicitly, "It is therefore ordered that plaintiff's original and amended motions for summary judgment (as well as related motions) [31-1, 41-1, 59-1, 63-1] are denied." Not included in that recitation of denied motions was Plaintiff's Motion for Second Supplement to Motion for Partial Summary Judgment [31]. The First Motion to Supplement [41] and the Third Motion to Supplement [59], filed before and after the pending request to supplement the record respectively, were clearly reviewed by the court.

The Court finds that the Plaintiff's Motion for Second Supplement [50] should have been included in those motions "related" to the Motion for Partial Summary Judgment. The Court has reviewed the evidence attached to the motion and is confident that Judge Mills did the same prior

to making the earlier ruling. Regardless of whether the court reviewed it previously or not, the supplemented evidence would not change the outcome of the Motion for Partial Summary Judgment.

Accordingly, the Motion for Second Supplement [50] is DENIED.

SO ORDERED, this the 30th day of March, 2015.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE