

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

MAURICE MAXWELL

PLAINTIFF

v.

No. 4:04CV168-P-A

CHRISTOPHER EPPS, ET AL.

DEFENDANTS

ORDER

This matter comes before the court on the plaintiff's March 30, 2006, motion for reconsideration of the court's March 15, 2006, order dismissing this case. The court's dismissal was based upon the plaintiff's perceived failure to provide a witness and exhibit list at the appointed time. The plaintiff, however, argued that he has already attached such a list to his September 28, 2006, motion for a writ of *habeas corpus ad testificandum*. The plaintiff was correct. As such, the court hereby **RESCINDS** its March 15, 2006, order dismissing this case. The Clerk of the Court is hereby directed to place this case back on the active docket. The court shall, by separate order, set this case for trial by jury.

SO ORDERED, this the 5th day of May, 2006.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE