

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

JASON D. ALSTON

PLAINTIFF

V.

NO. 4:16-CV-236-DMB-JMV

**MISSISSIPPI DEPARTMENT OF
TRANSPORTATION**

DEFENDANT

ORDER

On May 31, 2018, Jason Alston filed a motion asking that the undersigned recuse herself from this case. Doc. #103. On July 10, 2018, Alston filed a motion for leave to file a motion for summary judgment approximately seven months after the dispositive motions deadline set by United States Magistrate Judge Jane M. Virden. Doc. #122.

In a separate case filed by Alston, this Court previously considered, and rejected, the grounds for recusal stated in Alston's motion. *See Alston v. Prairie Farms Dairy, Inc.*, No. 4:16-cv-245, at Doc. #147 (N.D. Miss. Sep. 28, 2018). For the same reasons articulated in that order, Alston's motion for recusal [103] is **DENIED**. Alston's motion for leave [122] is **DENIED** because his motion, which states no grounds for the requested relief, fails to establish that his failure to file the motion for summary judgment on or before the deadline was caused by excusable neglect. *See* Fed. R. Civ. P. 6(b).

SO ORDERED, this 19th day of October, 2018.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE