

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

TOREY CORTEZ SMITH

PLAINTIFF

VS.

CIVIL ACTION NO. 3:17-cv-629-FKB

MANAGEMENT AND
TRAINING CORPORATION, et
al

DEFENDANTS

OMNIBUS ORDER

This is an action pursuant to 42 U.S.C. § 1983 brought by Torey Cortez Smith, formerly an inmate in the custody of the Mississippi Department of Corrections. The Court held an omnibus hearing in this matter on July 2, 2018. During the omnibus hearing, the parties consented to magistrate judge jurisdiction, and the undersigned questioned Plaintiff concerning his claims and addressed other case management issues. Having considered Plaintiff's testimony at the omnibus hearing, the Court finds and orders as follows.

Plaintiff's claim, as clarified at the omnibus hearing, is that on or about May 15, 2017, Defendants failed to protect him from an assault by another inmate. Plaintiff also makes an excessive force claim against Defendant Traylor and challenges an RVR Traylor issued in May 2017, for which Plaintiff was found guilty in June 2017. Plaintiff's claim against Defendant Bridges relates to Plaintiff's appeal of that RVR.

During the hearing, Plaintiff moved to dismiss two defendants: Anthony Compton and Quincy Dukes. The Court granted those motions. Anthony Compton and Quincy Dukes are dismissed without prejudice.

At the conclusion of the omnibus hearing, Defendants produced to Plaintiff their exhibit and witness lists, along with documents Bates numbered MTC 1-49. Defendants represented to

the Court that they do not have any video footage of the May 15, 2017, incident. The Court ordered Defendants to produce to Plaintiff a copy of the RVR issued to the inmate who assaulted Plaintiff on or about May 15, 2017.

Discovery shall be limited to 25 interrogatories, 25 requests for production, and 25 requests for admission. All discovery must be completed by October 31, 2018. Any dispositive motions must be filed by November 14, 2018.

The Court will set this matter for trial after it has ruled on any dispositive motions, if necessary.

SO ORDERED, this the 9th day of July, 2018.

/s/ F. Keith Ball
UNITED STATES MAGISTRATE JUDGE