

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

GEORGE MCGHEE, JR.

PLAINTIFF

VS.

CIVIL ACTION NO. 4:06CV10LS

**SHERIFF TIM PERKINS, RAY LOFTON,
TOMMY LEE and UNKNOWN TAYLOR**

DEFENDANTS

ORDER

This matter came before the court on the Plaintiff's Motion for Discovery and his Request to Subpoena Defendants, in this conditions of confinement case brought pursuant to 42 U.S.C. § 1983 by a prisoner in state custody. In such cases, the normal rules of discovery for a civil action do not apply. Fed. R. Civ. P. 26(a)(1)(E); Unif. Local R. 16.1(B)(1). In these cases, the court will set an Omnibus Hearing on the earliest available date. The Plaintiff will be present for that hearing, and he will be allowed to present his claims to the court orally. After that hearing, the court will determine what discovery will be necessary to help the Plaintiff prepare his case and will enter an order requiring the Defendants to provide that discovery. Therefore, the Plaintiff's Motions will be denied at this time.

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion for Discovery and his Request to Subpoena Defendants are hereby **denied**.

IT IS SO ORDERED, this the 3rd day of May, 2006.

S/James C. Sumner

UNITED STATES MAGISTRATE JUDGE