

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

CASEY SOBBERI,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:16CV60 SNLJ
)	
MATTHEW HOWARD,)	
)	
Defendant.)	

MEMORANDUM and ORDER

This matter is before the Court on plaintiff’s pro se motion for ruling in his favor (#62) and motion for injunction or temporary restraining order (#64). Plaintiff brings this 42 U.S.C. § 1983 claim against a defendant prison employee whom, plaintiff alleges, failed to protect plaintiff from his cellmate.

Plaintiff’s motion for ruling in his favor states that the defendant violated his Eighth Amendment Rights and that defendant has failed to demonstrate that is case is frivolous or that he failed to state a claim. Plaintiff further states he has proven through declarations and testimony that defendant acted cruelly and violated plaintiff’s substantial rights. Notably, plaintiff’s motion attaches no memorandum and is just one page long. Although plaintiff appears to be moving for summary judgment in his favor, he has not approached the standard for summary judgment set by Federal Rule of Civil Procedure 56. The motion will be denied.

Plaintiff's motion for injunction or temporary restraining order is similarly brief. He seeks an injunction against the Missouri Department of Corrections and the Jefferson City Correctional Center for denying him access to his legal materials. Plaintiff has previously advised the Court that he was in administrative segregation and that his legal materials were being withheld. The Court advised plaintiff that he needed to seek relief via motion and that the Court would be lenient with granting motions for extensions in light of plaintiff's circumstances. Plaintiff apparently responded with the instant motion. Defendant did not file a response memorandum.

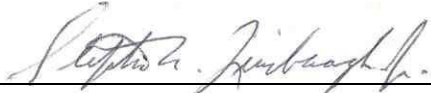
Notably, MDOC and JCCC are not parties to this matter. However, counsel for defendant Howard is presumably able to investigate plaintiff's circumstances. Particularly in light of the fact that this litigation appears to have stalled, the Court will order defendant to file a Report to the Court advising regarding plaintiff's housing status and his access to legal materials. Counsel for defendant shall also propose new deadlines for discovery and dispositive motions based on plaintiff's ability to access his legal materials.

Accordingly,

IT IS HEREBY ORDERED that motion for ruling in his favor (#62) and motion for injunction or temporary restraining order (#64) are DENIED.

IT IS FURTHER ORDERED that defendant shall file a Report to the Court advising regarding plaintiff's housing status and his access to legal materials, along with a proposal for new deadlines for discovery and dispositive motions by April 2, 2019.

Dated this 19th day of March, 2019.



UNITED STATES DISTRICT JUDGE