

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

TERRY LEWIS BENFORD,

Plaintiff,

vs.

ASHELY GRISHAM, et al.,

Defendants.

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Case No. 1:18 CV 5 JMB

MEMORANDUM AND ORDER

This matter is before the Court sua sponte. Defendants Dr. Charles Pewitt and Ashley Grisham’s (“Defendants”) filed Motions for Summary Judgment (ECF No. 39) and Requesting that Their Statement of Uncontroverted Material Facts be Deemed Admitted, and for Judgment on Their Behalf (ECF No. 50). Plaintiff Terry Lewis Benford (“Plaintiff”), who proceeds pro se, has not filed a response in opposition or requested an extension of time to do so. All matters are pending before the undersigned United States Magistrate Judge with the consent of the parties, pursuant to 28 U.S.C. § 636(c).

In response (ECF No. 54) to Defendants’ Motions for Summary Judgment (ECF No. 39) and Requesting that Their Statement of Uncontroverted Material Facts be Deemed Admitted, and for Judgment on Their Behalf (ECF No. 50) (“motions”), Plaintiff asserts that he did not receive Defendants’ motions, in spite of a signed certificate of service in the motions. Defendants respond that Plaintiff has been served with a copy of the motions at the address at Eastern Reception, Diagnostic & Correctional Center (“ERDCC”), 2727 Highway K, Bonne Terre, MO

63628 and that each document filed with the Court contains a certificate of service, and that they sent other motions to Plaintiff as the same address.

A review of the Court records shows that Plaintiff is no longer incarcerated at ERDCC but he is now incarcerated at Booneville Correctional Center, 1216 E. Morgan Street, Boonville, MO 65233. See ECF caption and (ECF No. 27)

Accordingly,

IT IS HEREBY ORDERED that Defendants shall serve copies their Motions for Summary Judgment (ECF No. 39) and Requesting that Their Statement of Uncontroverted Material Facts be Deemed Admitted, and for Judgment on Their Behalf (ECF No. 50), Suggestions in Support of Their Motion for Summary Judgment (ECF No. 40), and Statement of Uncontroverted Material Facts (ECF No. 41) to Plaintiff at at Booneville Correctional Center, 1216 E. Morgan Street, Boonville, MO 65233.

IT IS FURTHER ORDERED that Plaintiff shall have until August 26, 2019, to file responsive pleadings to Defendants' motions. Plaintiff's response must comply with Rule 56 of the Federal Rules of Civil Procedure and Local Rule 4.01(E). Plaintiff is specifically warned that failure to respond to Defendants' motions may result in dismissal of his complaint for failure to prosecute, pursuant to Rule 41(b).

/s/ *John M. Bodenhausen*
JOHN M. BODENHAUSEN
UNITED STATES MAGISTRATE JUDGE

Dated this 11th day of July, 2019.