

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

DERRICK COBB,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:19-CV-61-SNLJ
)	
TRACY MADLOCK, et al.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

On December 2, 2020, this Court ordered defendants to either produce certain withheld documents under seal to the Court, or file another memorandum explaining the impact of the withheld documents on plaintiff’s case. Defendants have now both filed the relevant documents under seal with the Court and filed a memorandum explaining that the documents are not necessary to plaintiff’s case. For the reasons expressed in that memorandum filed with the Court [#83], and upon review of the sealed documents [#84], this Court agrees that the documents are not necessary to plaintiff’s prosecution of his lawsuit such that counsel must be appointed. Some of the documents were in fact produced to plaintiff with redactions, and the other documents are not material to his case.

Plaintiff has also filed a motion to withdraw his motion to compel [#81]. This Court has already denied the motion, so the motion to withdraw is denied as moot.

Finally, this Court had extended the deadline for discovery and summary judgment briefing pending resolution of the above issues. However, it appears that the summary

judgment motions have been fully briefed, and there is no need for additional discovery. Therefore, this Court need not issue further orders as to those issues.

Plaintiff has, however, filed a motion for an extension of time until January 25, 2021 by which to file a reply to the defendant's reply in support of their motion for summary judgment [#89]. He states that he has COVID-19. Plaintiff has already filed a response to the motion for summary judgment, and he has no right to file a reply to defendants' reply (which is called a sur-reply). The motion will be will construed as a motion to file a sur-reply. If plaintiff would like to file a sur-reply, he may file the sur-reply by January 25, 2021.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to withdraw his motion to compel [#81] is DENIED as moot.

IT IS FURTHER ORDERED that plaintiff's motion for extension [#89] is construed as a motion to file a sur-reply and is GRANTED in that he may file a sur-reply by January 25, 2021.

Dated this 6th day of January, 2021.



STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE