

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOSEPH RUSHING,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:08CV1338 CDP
)	
NANCY SIMPSON, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Plaintiff Joseph Rushing has filed six motions relating to his ability to conduct discovery and respond to defendants’ motion for summary judgment: two motions to appoint counsel, a motion to allow him to correspond with an inmate at the St. Genevieve County Jail, two motions to compel, and a motion for an extension of time to respond to defendants’ motion. For the reasons stated in my rulings on Rushing’s three previous motions to appoint counsel, and because Rushing has not presented any new relevant arguments on this point, I will deny both motions to appoint counsel.

I will also deny Rushing’s two motions to compel. I am satisfied that Rushing has received everything that he is entitled to in discovery, and that defendants have produced all relevant evidence in their possession, and I will not order defendants to provide Rushing with any case law. Further, I will deny

Rushing's motion to order the St. Genevieve County Jail to allow him to send mail to an inmate there. Rushing may attempt to obtain an affidavit or written statement from the inmate, but I have no jurisdiction in this case to order the County Jail to deliver mail.

I will grant Rushing's motion for an extension of time to respond to defendants' motion for summary judgment, and will give Rushing 20 days from the date of this Order to file his response. Rushing is reminded that he must support his response with evidence - and that such evidence may be in the form of his own affidavit or the affidavits of other witnesses. It is not necessary that Rushing depose defendants in order to respond to their motion for summary judgment.


Accordingly,

IT IS HEREBY ORDERED that plaintiff's motions to appoint counsel [#60 and #66] are DENIED.

IT IS FURTHER ORDERED that plaintiff's motions to compel [#61 and #67] are DENIED.

IT IS FURTHER ORDERED that plaintiff's motion to correspond with a witness through the mail system [#53] is DENIED.

IT IS FURTHER ORDERED that plaintiff's motion for an extension of time to respond to summary judgment [#70] is GRANTED. Plaintiff will have 20 days from the date of this Order to file his response.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 14th day of August, 2009.