

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TRAVIS LEROY GARNER, JR.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:17CV2805 ACL
)	
RICHARD LISENBE, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Plaintiff Travis Leroy Garner, Jr. filed this action against Defendants Richard Lisenbe, Matt Shutls, and Steve Lorts, alleging violations of his constitutional rights during his incarceration at the Phelps County Jail. Presently pending before the Court is Defendants’ Motion to Dismiss without prejudice or, in the alternative, Motion for Extension of Time. (Doc. 20.)

On April 5, 2019, Defendants filed their Motion to Dismiss, stating that mail the Court sent to Garner in August and September of 2018 was returned as undeliverable (Docs. 14, 18), and Garner has failed to provide an updated address. They further state that they served disclosures on Garner on November 6, 2018, which were returned with a note stating that Garner was no longer at Phelps County Sheriff’s Department. Defendants indicate that counsel for Defendants has recently located Garner’s current place of incarceration and has provided the Court with this address in a separate Memorandum. (Doc. 19.) They note that discovery was scheduled to be completed by April 8, 2019, and dispositive motions are currently due by May 8, 2019. Defendants request that the instant action be dismissed without prejudice pursuant to Local Rule 2.06(B), or, in the alternative, Defendants request an additional sixty days in which to

complete discovery and file dispositive motions.

On April 16, 2019, Garner filed a Motion, in which he requests a sixty-day extension “due to being in a institution lock-down.” (Doc. 21.)

Under Local Rule 2.06(B), the Court may dismiss an action if a plaintiff fails to notify the Court within thirty days of a change in address. Because Garner has now provided his new address and indicates he has been in lockdown, the Court declines to dismiss the Complaint at this time. The Court will grant Defendants’ alternative request and will extend the relevant deadlines by sixty days.

Accordingly,

IT IS HEREBY ORDERED that Defendants’ Motion to Dismiss (Doc. 20) is **denied**.

IT IS FURTHER ORDERED that Defendants’ Motion for Extension of Time (Doc. 20) is **granted**.

IT IS FURTHER ORDERED that Plaintiff’s Motion for Extension of Time (Doc. 21) is **granted**.

IT IS FURTHER ORDERED that the deadline for the completion of all discovery is extended to **June 10, 2019**. The deadline for the filing of dispositive motions is extended to **July 8, 2019**; opposition briefs must be filed no later than **August 12, 2019**, and any reply brief may be filed no later than **August 22, 2019**.



ABBIE CRITES-LEONI
UNITED STATES MAGISTRATE JUDGE

Dated this 26th day of April, 2019.