UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ROY A. DURHAM, JR.,
Plaintiff,

vs.

ROB JEFFREYS, et al.,
Defendants.

Case No. 1:13-cv-226
Black, J.
Litkovitz, M.J.

ORDER

This matter is before the Court on defendants' motion for an extension of time to file their supplemental brief (Doc. 112), plaintiff's motion to stay the proceedings or, in the alternative, for an extension of time (Doc. 113), defendants' second motion for an extension of time to file their supplemental brief (Doc. 114), and plaintiff's motion for leave to supplement his motion to stay the proceedings (Doc. 115).

As background, in September 2016 the Sixth Circuit vacated this Court's judgment in this case and remanded for further proceedings. (Doc. 108). On October 13, 2016, the Court ordered the parties to file within 30 days supplemental briefs analyzing the exhaustion issues in this case in light of *Surles v. Andison*, 678 F.3d 452 (6th Cir. 2012), which the Sixth Circuit referenced in its opinion. (Doc. 110).

Having considered the parties' submissions, plaintiff's motion for leave to supplement his motion to stay (Doc. 115) is hereby **GRANTED**, and the Court has considered the new information plaintiff has asserted in his motion for leave to supplement his motion to stay.

For good cause shown, defendants' motions for extension of time (Docs. 112, 114) are **GRANTED** and plaintiff's motion (Doc. 113) is **GRANTED** to the extent it seeks an extension of time. The deadline for the parties to file their supplemental briefs concerning the impact of *Surles* on the exhaustion issues in this case is **EXTENDED** to **January 10, 2017**.

To the extent that plaintiff seeks a stay of proceedings of at least three months (Doc. 113-1 at 3), plaintiff has failed to present any evidence to support his allegations that he cannot safely access legal materials due to an "ongoing campaign" by other inmates "to taunt, harass, and physically attack him." (Doc. 113 at 3; *see also* Doc. 115 at 2-4). Accordingly, plaintiff's motion to stay proceedings is **DENIED**.

IT IS SO ORDERED.

Date: 12/6/16

Karen L. Litkovitz
United States Magistrate Judge