Thomas v. Erdos et al Doc. 28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JONATHAN THOMAS,
Plaintiff,

Case No. 1:16-cv-793
Black, J.
Litkovitz, M.J.

vs.

RON ERDOS, et al.,
Defendants.

ORDER

Plaintiff, an inmate at the Southern Ohio Correctional Facility (SOCF), brings this action under 42 U.S.C. § 1983 for violations of his civil rights. This matter is before the Court on defendants' motion to stay the responsive pleading deadline. (Doc. 27).

The Court entered an Order on February 1, 2017, which granted plaintiff leave to amend his original and supplemental complaints and gave him 14 days to submit copies of the complaints and process forms that reflected the correct identity of any defendant added in the supplemental complaint.[1] (Doc. 24). The Court subsequently granted defendants' motion to stay discovery until after the responsive pleading deadline of March 3, 2017 had expired. (Doc. 25). Defendants now move the Court to also stay the responsive pleading deadline until it is clear whether plaintiff intends to pursue his claims against any defendant added in the supplemental complaint. (Doc. 27). Defendants state that they want to avoid filing two responsive pleadings if possible.

The deadline the Court established for plaintiff to submit copies of the original and supplemental complaints and process forms for any new defendant added in the supplemental complaint (*see* Doc. 24) has expired. Plaintiff has not submitted the complaints and process

[1] The Court construed a portion of plaintiff's objections to the undersigned's Report and Recommendation as a motion to amend to remove references to Ms. "Distel" or "Destel" and Officer Rogers from the supplemental complaint and add Officer Scott as a defendant. (Doc. 24).

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forms as of today's date. Plaintiff is therefore **ORDERED** to show cause, within **fourteen (14) days** of the date of this Order, why this case should not be dismissed as to newly-named defendants Officers Scott and Irvin for failure to comply with the Court's Order of February 1, 2017.

Defendants' motion to stay the responsive pleading deadline (Doc. 27) is **GRANTED** pursuant to Fed. R. Civ. P. 6(b)(1) for good cause shown. Defendants shall have until **March 22, 2017** to file a responsive pleading to the original and supplemental complaints.

IT IS SO ORDERED.

Date: 3/1/17

Karen L. Litkovitz
United States Magistrate Judge