

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

|                                    |   |                          |
|------------------------------------|---|--------------------------|
| HERBERT S. MONCIER,                | ) |                          |
|                                    | ) |                          |
| Plaintiff,                         | ) |                          |
|                                    | ) |                          |
| v.                                 | ) | No.: 3:13-CV-630-TAV-HBG |
|                                    | ) |                          |
| BILL HASLAM, Governor of the State | ) |                          |
| of Tennessee, and                  | ) |                          |
| MARK GOINS, Tennessee Coordinator  | ) |                          |
| of Elections,                      | ) |                          |
|                                    | ) |                          |
| Defendants.                        | ) |                          |

**MEMORANDUM OPINION AND ORDER**

This civil action is before the Court on Plaintiffs’ Motion for the Court to Grant Judgment on the Pleadings and Establish a Schedule to Close the Pleadings on January 21, 2014 [Doc. 9]. Plaintiff asks the Court to close the pleadings on January 21, 2014, and rule on plaintiff’s request for declaratory judgment and prospective injunctive relief. Defendants oppose the motion, asserting it is premature [Doc. 12]. Plaintiff filed a reply and motion to defer ruling on the motion for judgment on the pleadings until after the Court rules on his pending motions to amend [Doc. 19].

On December 6, 2013, plaintiff filed a motion for leave to file an amended complaint [Doc. 7]. He then filed a motion to amend that request on December 27, 2013 [Doc. 10], which the Court granted on January 2, 2014 [Doc. 11]. The Court directed defendants to respond to the motion to amend the complaint on or before January 13, 2014, with any reply from plaintiff due on or before January 21, 2014. Plaintiff filed yet another motion to amend his complaint on January 21, 2014 [Doc. 20]. Given the status of this litigation and the

pending motions to amend the complaint, which, if granted, would add new parties to the litigation, the Court finds plaintiff's request to close the pleadings by January 21, 2014, inappropriate. *See* Fed. R. Civ. P. 12(c) (allowing a party to move for judgment on the pleadings "[a]fter the pleadings are closed").

Plaintiff recognizes in his reply that "[t]he only pleading before the Court for judgment on the pleadings is Plaintiff's original October 18, 2013 complaint" [Doc. 19]. Because of his pending motion to amend that complaint, he asks the Court to "not hear Plaintiff's motion for judgment on the pleadings on January 30, 2014" and to defer ruling on the motion for judgment on the pleadings until the Court rules on the motion to amend the complaint. Plaintiff also requests that the Court "provide an expedited schedule for Plaintiff [sic] to file an admended [sic] motion for judgement [sic] on the pleadings and/or motion for summary judgment and for Defendants to respond . . . ." [*Id.*]. Given the procedural posture of this case, the Court finds it appropriate to deny plaintiff's motion for judgment on the pleadings at this time. Plaintiff may file any dispositive motion he deems appropriate upon the Court's ruling on the pending motions to amend.

Accordingly, Plaintiffs' Motion for the Court to Grant Judgment on the Pleadings and Establish a Schedule to Close the Pleadings on January 21, 2014 [Doc. 9] and Plaintiff's Motion to Defer Ruling on Said Motion Until After the Court Rules on Pending Motions to Amend [Doc. 19] are hereby **DENIED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan \_\_\_\_\_  
CHIEF UNITED STATES DISTRICT JUDGE