

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

CALEB ANDERSON TAYLOR,)

Plaintiff,)

v.)

No. 2:16-cv-02647-STA-jay

WTSP OFFICER MARCUS JONES,)
WTSP SERGEANT BILLY)
WASHINGTON, and TENNESSEE)
DEPARTMENT OF CORRECTION,)

Defendants.)

ORDER SETTING BENCH TRIAL

On August 7, 2019, the Court denied Defendants' Motion for Summary Judgment, as there remains a genuine issue of material fact regarding exhaustion. (ECF No. 92.) Specifically, the remaining issue is whether administrative remedies were available to Plaintiff. (*Id.*) Consequently, this case will proceed to trial.

Because factual disputes related to the PLRA's exhaustion requirement are matters of judicial administration and are not intertwined with the merits of Plaintiff's 42 U.S.C. § 1983 excessive force claim, the Court is permitted to resolve the issue of exhaustion without the participation of a jury. *See Lee v. Willey*, 789 F.3d 673, 678 (6th Cir. 2015). Accordingly, the Court will hold a bench trial on the issue of exhaustion on **September 18, 2019, at 9 AM.**

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
CHIEF UNITED STATES DISTRICT JUDGE

Date: August 27, 2019