

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

JORDAN LESEAN PAIGE,)	
Institutional ID No. 1251073,)	
SID No. 6688693,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	5:10-CV-00054-C
LT. RUDOLFO SAUSEDADA, JR., <i>et al.</i> ,)	
)	ECF
Defendants.)	

ORDER

Plaintiff Jordan LeSean Paige, acting *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against Defendants Lt. Rudolfo Sauseda, Jr., Sgt. Ruben R. Rodriguez, Sgt. Emiliano J. Gonzales, Richard Gary, Jr., and Daniel Ramirez, in both their individual and official capacities, for alleged violations of his constitutional rights when he was incarcerated in the Texas Department of Criminal Justice, Correctional Institutions Division Preston Smith Unit. Plaintiff was subsequently granted permission to proceed *in forma pauperis*. Plaintiff specifically alleges the named defendants (1) used excessive force against him on October 10, 2009, in violation of the Eighth Amendment’s prohibition against cruel and unusual punishment and (2) harassed, threatened, and “hazed” him in retaliation for his pursuit of administrative and legal remedies regarding the incidents on October 10, 2009, in violation of the First Amendment. Plaintiff seeks only injunctive relief.

The complaint was transferred to the docket of the United States Magistrate Judge, who ordered authenticated copies of Plaintiff’s prison records that were relevant to his complaint and

conducted a hearing pursuant to *Spears v. McCotter*, 766 F.2d 179, 181-82 (5th Cir. 1985), on September 16, 2010. Plaintiff appeared at the hearing and testified under oath.

The Defendants filed an Answer and Jury Demand on February 14, 2011.

The Magistrate Judge filed a Report and Recommendation on July 7, 2011, and Plaintiff filed a response, which suggested that several factual corrections be made to the Report and Recommendation.

This Court has made an independent examination of the pleadings and the record in this case and finds that the Magistrate Judge's Report and Recommendation should be ADOPTED.

It is, therefore, **ORDERED** that pursuant to Fed. R. Civ. P. 16(b), the Court establishes the following schedule:

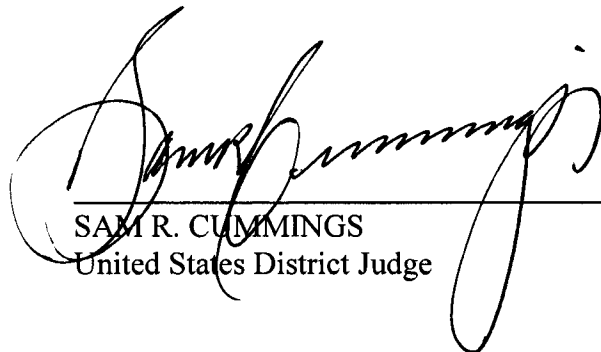
- (1) All motions to join other parties and amend the pleadings must be filed by 3:00 p.m. on September 28, 2012.
- (2) All other pretrial motions, including motions for summary judgment, must be filed, with supporting briefs, by 3:00 p.m. on October 26, 2012, and any response must be filed by 3:00 p.m. on November 26, 2012.
- (3) All discovery must be completed by 3:00 p.m. on September 28, 2012, as follows:
 - (a) Defendant(s) shall disclose to Plaintiff all records of the incidents forming the basis of Plaintiff's complaint, which records shall include, but shall not be limited to the following:
 - (i) Plaintiff's medical records pertaining to the incidents made the basis of Plaintiff's complaint, which medical records shall include Plaintiff's records from any TDCJ unit at which he received medical examinations or treatment pertaining to Plaintiff's claims.
 - (ii) Plaintiff's grievances filed for the six-month period surrounding the incident date(s).

- (b) All parties shall disclose the following:
- (i) The name and, if known, the address or employment station of each person likely to have information that bears significantly on any claim or defense.
 - (ii) As to each person named in response to paragraph (3)(b)(i) above, a brief summary of the substance of the information known by the person.

There shall be no further discovery without leave of the Court.

- (4) All parties will be notified by separate order of the date of trial and the date for filing the proposed pretrial order.
- (5) Counsel and unrepresented parties are referred to the Local Rules of the Northern District of Texas, the Civil Justice Cost and Delay Reduction Plan of the Northern District of Texas, and the Local Rules of this Court.

DATED June 29, 2012.



SAM R. CUMMINGS
United States District Judge