

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

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|--------------------|---|-------------------|
| CLYDE JOE PARKER | § | |
| TDCJ-CID #1154103 | § | |
| | § | |
| VS. | § | C.A. NO. C-06-434 |
| | § | |
| KELLI WARD, ET AL. | § | |

ORDER ON PENDING MOTIONS

Pursuant to the telephone conference held this day, the following orders are entered:

(1) Plaintiff's motion to dismiss Evelyn Castro and to add in her stead Michelle Castro as the proper party defendant is treated as a motion to substitute (D.E. 115) and is GRANTED. Within thirty (30) days, Ms. Bramlett, counsel for defendants, will either file an Answer on Michelle Castro's behalf or submit under seal her last known address.

(2) Plaintiff's motion for extension of time to file rebuttal to objections to interrogatories (D.E. 114) is DENIED AS MOOT. Plaintiff understands that defendants answered the interrogatories, in addition to making objections, and that plaintiff is permitted to use those answers in response to, or in support of, a dispositive motion.

(3) Plaintiff's motion for extension of time to designate expert witnesses (D.E. 110) is DENIED AS MOOT. A new scheduling order will be entered.

(4) Plaintiff's motion to locate witness (D.E. 113) is denied without prejudice. Ms. Bramlett represents that she will attempt to locate Demonte Nelson and speak to the warden of his unit regarding communications with plaintiff. In the event the rules and regulations of the TDCJ-CID prohibit plaintiff from communicating with this witness, plaintiff will be

allowed, for summary judgment purposes, to submit a statement as to what he believes the testimony of this witness would be. Plaintiff is to send to Ms. Bramlett the witness's name and TDCJ identification number.

ORDERED this 29th day of May, 2008.

A handwritten signature in cursive script, reading "B. Janice Ellington", is written over a horizontal line.

B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE