

United States District Court
Southern District of Texas

ENTERED

August 23, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

FERNANDO NARRO,

Plaintiff,

VS.

OFFICER EDWARDS, *et al.*,

Defendants.

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CIVIL ACTION NO. 3:16-CV-310

ORDER TO ANSWER

Fernando Narro is currently in the custody of the Texas Department of Criminal Justice (“TDCJ”). While being held in the Brazoria County Detention Center, Narro brought an action under 42 U.S.C. § 1983 alleging that Brazoria County deputies beat him while he was handcuffed. Narro is proceeding *pro se* and has been granted leave to proceed *in forma pauperis*. The Court has screened the pleadings pursuant to 28 U.S.C. § 1915A and finds that an answer from the defendants is necessary.

The Court further **ORDERS** as follows:

1. The defendants shall have **forty (40) days** from receipt of this order to answer. They shall respond to each and every factual and legal allegation made against them by Narro.

2. Within **thirty (30) days** after an answer is filed, the parties are to disclose to each other all information relevant to the claims or defenses of any party. The parties shall promptly file a notice of disclosure with the Court after such disclosure has taken

place. No further discovery will be allowed except on further order of the Court. Further, conferences under Rule 26(f) and 16(b) of the Federal Rules of Civil Procedure are not required except on further order of the Court.

3. The defendants shall file any dispositive motion, including a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure, within **ninety (90) days** after the date their answer is due. The defendants shall submit, with a business records affidavit, copies of any documents relevant to Narro's claims and the defendants' defenses, including copies of any written policies or rules relevant to the alleged events forming the basis of this lawsuit. If any of the conditions or events alleged in this lawsuit occurred at a jail or facility other than state prison, the defendants shall state whether Narro was a pretrial detainee or a convicted felon when the conditions or events alleged in this lawsuit occurred and provide any available information concerning Narro's status.

4. Narro will respond to any motion to dismiss or motion for summary judgment within **thirty (30) days** of the date on which the defendants mailed Narro his copy, as shown on the defendants' certificate of service. Narro's failure to respond to the defendants' motion within the time limit may result in dismissal of this action for want of prosecution under Rule 41(b) of the Federal Rules of Civil Procedure.

5. In addition, each party shall serve the other party, or his counsel, with a copy of every pleading, motion, or other paper submitted for consideration by this Court. Service shall be by mail to the other party. Every pleading, motion, or other document filed with the Clerk of the Court shall be signed by at least one attorney of record in his individual name, whose address shall be stated, or if the party is proceeding *pro se*, by

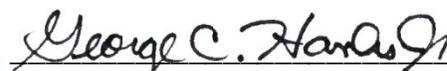
said party, with address likewise stated. In the case of the *pro se* party, only signature by the *pro se* party will be accepted. If a layman signs a pleading, motion, or other document on behalf of a *pro se* party, such document will not be considered by the Court.

6. Every pleading, motion, or other document shall include on the original a signed certificate of service stating the date a true and correct copy of the pleading, motion, or document was mailed and to whom mailed. Failure to mail a copy thereof as certified will subject that party to sanction by the Court. Sanctions may include, but are not limited to, automatic striking of the pleading, motion, or other document.

7. There will be no direct communications with the United States District Judge or Magistrate Judge assigned to this case. Communications must be submitted to the Clerk with copies to the other party. *See* Rules 5(a) and 11 of the Federal Rules of Civil Procedure.

The Clerk will provide a copy of this order to the parties. The Clerk shall further provide a copy of this order, along with a copy of Narro's initial complaint (Dkt. 1), to the Brazoria County Attorney, 111 East Locust Street, Room 408-A, Angleton, Texas 77515 by certified mail, return receipt requested.

SIGNED at Galveston, Texas, this 22nd day of August, 2017.



George C. Hanks Jr.
United States District Judge