

osopifp.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
ENTERED

FEB 05 1996

Michael N. Milby, Clerk

DALE HYDE,

Plaintiff,

v.

STATE OF TEXAS DEPARTMENT
OF CRIMINAL JUSTICE,

Defendant.

§
§
§
§
§
§
§
§
§

CIVIL ACTION H-94-2987

ORDER

With respect to the above-styled cause of action, it is
ORDERED:

1. Plaintiff may proceed in forma pauperis.

2. The Clerk shall issue summons and the U.S. Marshal shall
serve a copy of the complaint (Instrument # 1), order for more
definite statement (Instrument #4), plaintiff's more definite
statement (Instrument #5) and of this order upon the defendant(s):

Gary Johnson
P.O. Box 99
Huntsville, Texas 77342

3. The defendant(s) is (are) permitted sixty (60) days from
the date of service of process in which to answer. Defendant(s)
shall respond separately to each and every factual and legal
allegation in plaintiff's complaint.

4. The defendant(s) shall file any dispositive motions,
including a motion for summary judgment under Fed.R.Civ.P. 56,
within one hundred twenty (120) days after the date the defendants'
answer is due. Defendants shall submit, with a business records
affidavit, copies of any documents relevant to plaintiff's claims
and defendants' defenses, including copies of any written TDCJ-ID

rules or written unit 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, defendant(s) shall state whether plaintiff was a pretrial detainee or a convicted felon when the conditions or events alleged in this lawsuit occurred and provide any available information concerning plaintiff's status. If defendants fail to file any motion for dismissal and/or summary judgment within the one hundred twenty (120) day time limit, a scheduling order will be entered and the case will be scheduled for trial.

5. The plaintiff will respond to the defendants' motion(s) to dismiss or motion(s) for summary judgment within forty-five (45) days of the date in which the defendants mailed plaintiff his copy of the additional pleadings, as shown on the defendants' certificate of service. Failure of the plaintiff to respond to the defendants' motions within the time limit may result in dismissal of this action for want of prosecution under Rule 41(b), Fed.R.Civ.P.

6. 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.

7. Every pleading, motion, or other document shall include on the original a signed certificate 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 by the certificate will subject that party to sanction by the Court. Sanctions may include, but are not limited to, (1) automatic striking of the pleading, motion, or other document.

8. There will be no direct communications with the U.S. District Judge or Magistrate Judge. 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.

9. The Clerk will provide copies to the parties.

SIGNED at Houston, Texas on this 1st day of

February, 1996.

Maria A. Come
UNITED STATES MAGISTRATE JUDGE