

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

MARVIN B. DAVIS,

Plaintiff,

v.

LOUIS E. BRUCE, et al.,

Defendants.

CIVIL ACTION

No. 00-3051-CM

ORDER

This matter comes before the court on the Tenth Circuit Court of Appeals' April 8, 2005 Appeal Mandate (Doc. 129) affirming in part and reversing and remanding in part this court's grant of judgment to defendants on plaintiff's 42 U.S.C. § 1983 claims alleging denial of access to the courts and retaliation for exercising plaintiff's right to petition the courts. Based on the Tenth Circuit's holding that this court has not yet considered plaintiff's retaliation claims against Mr. Cummings and Master Sergeant Davis in their individual capacities, this court is prepared to address those claims. However, the court will allow, but will not require, the parties to submit additional briefing on these retaliation claims on or before **September 18, 2005.**

SO ORDERED.

Dated this 18th day of July 2005, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge