

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

BARRY EUGENE MILLER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 07-3168-CM
)	
PRISON HEALTH SERVICES, INC.,)	
et al.,)	
)	
Defendants.)	

ORDER

This case came before the undersigned U.S. Magistrate Judge, James P. O'Hara, on May 21, 2008, for a telephone status conference. The plaintiff, Barry Eugene Miller, appeared through counsel, Thomas V. Bender. Defendants Prison Health Services, Inc., Valerie Reathaford, L.P.N., and Cindy Brooks, R.N. appeared through counsel, Richard M. Acosta. Defendant John Gamble, D.O. appeared through counsel, Justin D. Fowler.

For the reasons explained more fully in a status report filed by the parties on May 20, 2008 (doc. 67), it was stipulated during the conference that the case would most efficiently proceed if all pending motions were deemed withdrawn and denied without prejudice to their reassertion later, if deemed appropriate. Therefore, the court hereby denies all of the motions that were filed by plaintiff prior to Mr. Bender's appointment (**docs. 25, 27, 34, 41, 43, & 44**). Likewise, the court hereby denies the pending motion for summary judgment filed by defendants Prison Health Services, Inc., Reathaford, and Brooks (**doc. 21**).

As framed by the amendment of all parties' pleadings following Mr. Bender's recent appointment to represent plaintiff (*see* docs. 61-63), the parties shall have until **September 26, 2008** to complete discovery focused on the viability of plaintiff's articulated constitutional claims in this case. Defendants shall have until **October 31, 2008** to file motions for summary judgment challenging plaintiff's constitutional claims. Absent the agreement of all parties or separate order of the court, all discovery shall be stayed until the anticipated summary judgment motions have been ruled by the presiding U.S. District Judge, Hon. Carlos Murguia. Within 20 days of Judge Murguia's rulings, counsel shall meet and confer and then submit to the chambers of the undersigned magistrate judge an updated status report, setting forth a proposed timetable for any remaining discovery, revisiting the continued propriety or need for appointed counsel, etc.

IT IS SO ORDERED.

Dated this 21st day of May, 2008, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge