

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

|                       |   |                      |
|-----------------------|---|----------------------|
| DARREN JARELLE DAVIS, | ) |                      |
|                       | ) |                      |
| Plaintiff,            | ) |                      |
|                       | ) |                      |
| v.                    | ) | Case No. 20-3021-JWB |
|                       | ) |                      |
| (FNU) BERG, et al.,   | ) |                      |
|                       | ) |                      |
| Defendants.           | ) |                      |

**ORDER**

On June 18, 2020, the undersigned U.S. Magistrate Judge, James P. O’Hara, issued an order<sup>1</sup> staying discovery and pretrial proceedings pending a ruling by U.S. District Judge John W. Broomes on defendants’ motion to dismiss. The order set a new deadline for the parties to confer and submit a planning report in accordance with Fed. R. Civ. P. 26(f): “Within 14 days of the ruling on the pending motion to dismiss (ECF No. 26), the pro se plaintiff and counsel for defendants shall confer and submit a Rule 26(f) planning meeting report to the undersigned’s chambers.”<sup>2</sup> Judge Broomes entered an order on the motion to dismiss on August 5, 2020,<sup>3</sup> making the planning meeting report due August 19, 2020.

On August 19, 2020, counsel for defendants, Kirk T. Ridgway, submitted a report on defendants’ behalf, but explained plaintiff did not respond to attempts to contact him or

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<sup>1</sup> ECF No. 31.

<sup>2</sup> *Id.* at 3.

<sup>3</sup> ECF No. 32.

otherwise confer or provide input to the report. Mr. Ridgway included with his submission copies of two letters he had mailed to plaintiff that went unanswered.

Plaintiff is in violation of the court's June 18, 2020 order. He is therefore ordered to contact Mr. Ridgway and confer on the contents of a joint planning meeting report **by September 4, 2020**. Mr. Ridgway shall submit the joint report by **September 11, 2020**.

Plaintiff is hereby warned that should he fail to engage with defense counsel in the planning and scheduling of this case, the court will enter an order requiring him to show cause why this case should not be dismissed, with prejudice to refiling, for lack of prosecution. The court notes plaintiff has begun to establish a pattern of not responding in this case—he filed no response to the motion to dismiss (ECF No. 26) or the motion to stay discovery (ECF No. 30).

The clerk of the court is directed to mail a copy of this order to the pro se plaintiff. In addition, as a one-time courtesy to plaintiff, the clerk is directed to e-mail a copy of this order to the e-mail address listed by plaintiff in his March 9, 2020 notice of address change (ECF No. 9).<sup>4</sup>

IT IS SO ORDERED.

Dated August 20, 2020, at Kansas City, Kansas.

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

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<sup>4</sup> Plaintiff may want to consider registering, through the clerk's office, for electronic service of documents filed in the case.