

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

KEIFLAN B. KELLEY,)
)
 Plaintiff,)
)
 v.) **Case No: 21-cv-2123-JAR-TJJ**
)
 TRAVIS EICHELBERGER, et al.,)
)
 Defendants.)

ORDER

Plaintiff, proceeding *pro se*, filed this action under 42 U.S.C. § 1983 alleging Defendants unlawfully seized him, used excessive force, and unlawfully detained him. On September 13, 2022, the Court contacted the parties regarding the status of their proposed pretrial order. Counsel for Defendants notified the Court that Plaintiff has not responded to counsel’s email sending a copy of Defendants’ draft proposed pretrial order, Plaintiff’s telephone number no longer works, and Plaintiff is currently incarcerated at the Atchison County Jail. A review of the docket reveals that Plaintiff’s last written communication with the Court was his filing of a Motion to Extend Discovery and Stay Proceedings (ECF No. 45)¹ on June 30, 2022. Although the motion was received in an envelope with a return address of 518 Parallel Street, Atchison, KS 66002, which is the address of the Atchison County Jail, this address is different from the address Plaintiff used in his prior court filings and Plaintiff has never notified the court clerk of his change of address. The case is currently set for a telephone Pretrial Conference on September

¹ Plaintiff’s motion was granted in part and denied in part on July 11, 2022. The Court denied the request for a full 90-day extension of the case deadlines or a stay of the proceedings, but granted a 60-day extension for the remaining case deadlines. The discovery deadline was extended to August 29, 2022, and the dispositive motion deadline was extended to October 7, 2022. The Proposed Pretrial Order deadline was extended to September 12, 2022, and the Final Pretrial Conference continued to September 19, 2022. ECF No. 46.

19, 2022.

In light of Plaintiff's failure to participate in the submission of the proposed pretrial order and the lack of any communication from him since June 30, 2022, the Court will extend the deadline for submission of the parties proposed pretrial order and continue the Pretrial Conference so that Plaintiff can be notified and have an opportunity to participate. The Court therefore extends the deadline for submission of the proposed pretrial order to **September 30, 2022** and continues the Pretrial Conference to **October 11, 2022 at 11:00 am**. The Pretrial Conference will be conducted by dial-in telephone conference. **Counsel and any pro se parties must dial CONFERENCE LINE 1-888-363-4749 and enter Access Code 4901386 to join the conference.** The Court further holds in abeyance the October 7, 2022 deadline to file dispositive motions pending further order.

The Court advises Plaintiff that he must respond to Defendants' proposed pretrial order by the new deadline for submission of the pretrial order and participate by telephone at the October 11, 2022 Pretrial Conference. If he fails to do so, the Court may enter an order requiring Plaintiff to show cause why this case should not be dismissed for lack of prosecution. Plaintiff is also reminded that, under D. Kan. Rule 5.1(c)(3), he has a duty to update the clerk in writing of any change of his address, telephone number, or email address.

IT IS THEREFORE ORDERED that the deadline for the parties to submit a proposed Pretrial Order is extended to **September 30, 2022** and the telephone Pretrial Conference continued to **October 11, 2022 at 11:00 am**.

IT IS FURTHER ORDERED that the October 7, 2022 deadline to file dispositive motions is held in abeyance pending further order of the Court.

IT IS FURTHER ORDERED that Defendants' counsel shall mail a copy of the proposed pretrial order to Plaintiff at the address for the Atchison County Jail, 518 Parallel Street, Atchison, KS 66002.

IT IS FURTHER ORDERED that a copy of this Order shall be mailed to Plaintiff at the address for the Atchison County Jail, 518 Parallel Street, Atchison, KS 66002.

IT IS SO ORDERED.

Dated September 14, 2022, at Kansas City, Kansas.

A handwritten signature in cursive script, reading "Teresa J. James", is written above a horizontal line.

Teresa J. James
U.S. Magistrate Judge