

ENTERED

February 06, 2020

David J. Bradley, Clerk

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

JASON RENARD WALKER,
(TDCJ-CID #01532092)

Plaintiff,

vs.

BRANDON K. POLLOCK, et al.,

Defendants.

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CIVIL ACTION H-19-4829

ORDER

Jason Renard Walker, an inmate of the Texas Department of Criminal Justice - Correctional Institutions Division, sued in December 2019, alleging civil rights violations resulting from the use of excessive force, retaliation, failure to protect his safety, and the denial of due process. Walker, proceeding pro se and in forma pauperis, sues the following officials at the Ellis Unit: Brandon K. Pollock, Correctional Officer III; Zachary H. Williford, Correctional Officer V; Michael Hill, Disciplinary Hearing Officer; Sylvester Glaze, Jr., Correctional Officer V; and V.A. McMillian, counsel substitute assistant.

At this time, Defendants Brandon K. Pollock, Correctional Officer III; Zachary H. Williford, Correctional Officer V; Michael Hill, Disciplinary Hearing Officer; Sylvester Glaze, Jr., Correctional Officer V; and V.A. McMillian, counsel substitute assistant (“the defendants”) are notified of suit through delivery of the complaint, (Docket Entry No. 1), and this order to Leah

O'Leary, Assistant Attorney General, Law Enforcement Defense Division, and the Court orders as follows:

1. The defendants have sixty (60) days from receipt of this order to answer. The defendants must respond to each and every factual and legal allegation in Walker's complaint.

2. Within thirty (30) days after an answer is filed, the parties are to disclose to each other all information relevant to the claims or defenses of any party. The parties must promptly file a notice of disclosure with the Court after such disclosure has taken place. No further discovery will be allowed except on further order of the Court. Conferences under Rule 26(f) and 16(b) of the Federal Rules of Civil Procedure are not required except on further order of the Court.

3. The defendants must file 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. The defendants must submit, with a business records affidavit, copies of any documents relevant to Walker's claims and the defendants' defenses, including copies of any written TDCJ-CID rules or written unit rules relevant to the alleged events forming the basis of this lawsuit. If the defendants fail to file a motion for summary judgment within the one-hundred-twenty(120)-day time limit, the defendants must file an advisory to the Court regarding the reasons why summary judgment is inappropriate in this case.

4. Walker will respond to the defendants' motion for summary judgment within thirty (30) days of the date in which the defendants mailed Walker his copy of the additional pleadings, as shown on the defendants' certificate of service. Walker's failure 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.

5. Each party must serve the other party, or his counsel, with a copy of every pleading,

motion, or other paper submitted for consideration by this Court. Service must be by mail to the other party. Every pleading, motion, or other document filed with the Clerk of the Court must be signed by at least one attorney of record in his individual name, whose address must 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.

6. Every pleading, motion, or other document must 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, automatic striking of the pleading, motion, or other document.

7. 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.

8. The Clerk will provide a copy of this order to Walker. The Clerk shall further provide a copy of this order, along with copies of Walker's Complaint, (Docket Entry No. 1), to Leah O'Leary, Assistant Attorney General for the State of Texas, Law Enforcement Defense Division, 300 W. 15th Street, Austin, Texas 78701, by Fax: 512-936-2109. Copies shall also be sent by e-mail to the following docketing clerks assigned to the Attorney General's Office, Law Enforcement Defense

Division: (1) Gloria Chandler at gloria.chandler@oag.texas.gov; (2) Elizabeth Mejia at elizabeth.mejia@oag.texas.gov; and (3) the General Mailbox for Docketing at leddocket@oag.texas.gov.

SIGNED at Houston, Texas, on Feb 5, 2020.



VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE