

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
NORTHERN DIVISION**

**MARIO KEITH VANPELT**

**PLAINTIFF**

v.

**No. 1:11-cv-00019 KGB-BD**

**JACK OXNER et al.**

**DEFENDANTS**

**ORDER**

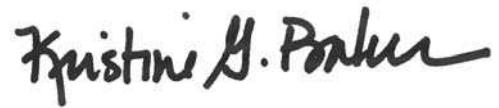
Pending are plaintiff's motion for reconsideration and supplemental motion for reconsideration (Dkt. Nos. 72, 73). Plaintiff's motions are denied.

Plaintiff first seeks reconsideration of the order denying his motion to amend his complaint to add a claim for retaliation. Subsequent to the filing of plaintiff's motion for reconsideration and supplemental motion for reconsideration, plaintiff sought and was granted leave to amend his complaint to allege a retaliation claim (Dkt. Nos. 84, 88). Therefore, the Court denies as moot plaintiff's motion to reconsider the order denying his previous motion to amend.

Plaintiff also seeks reconsideration of the order denying his motion to compel. Judge Deere denied plaintiff's motion to compel based on defendants' representation that they had fully responded to plaintiff's discovery requests. In his supplemental motion for reconsideration, plaintiff acknowledges certain documents he seeks are in the possession of the Arkansas Department of Correction ("ADC") and states that he will seek an order compelling the ADC to produce the documents. Plaintiff's motion to compel did not seek to compel production from the ADC. It does not appear that, prior to filing the motion to compel, plaintiff sought production of documents from the ADC; the ADC is not a party to this action. Consequently, Judge Deere's order denying plaintiff's motion to compel did not rule on the issue of production of documents in possession of the ADC. For these reasons, the Court denies plaintiff's motion to reconsider the order denying his

motion to compel.

SO ORDERED this 25<sup>th</sup> day of October, 2012.



---

Kristine G. Baker  
United States District Judge