Murry v. Floyd et al Doc. 58

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

MONTEL DEON MURRY,
ADC #134453 PLAINTIFF

v. 1:12-cv-00095-BSM-JTK

MARY BETH FLOYD, et al. DEFENDANTS

ORDER

This matter is before the Court on Plaintiff's Motion to Compel (Doc. No. 43). Defendants filed Responses in opposition to the Motion (Doc. Nos. 48, 53).

In his Motion, Plaintiff asks the Court to order Defendants to respond to his discovery requests. Defendant Brewer states in his Response (Doc. No. 48) that Plaintiff filed his Motion prior to the due date for the responses, and that he will submit them when due. The remaining Defendants state that Plaintiff served them requests for production of documents on November 20, 2012, and that they timely responded on December 20, 2012 (Doc. No. 53). They also state that as of the date of their Response (December 21, 2012), the interrogatories submitted by Plaintiff on November 28, 2012 were not yet due. Finally, Defendants asks the Court to deny Plaintiff's Motion based on his failure to attempt to resolve this issue prior to the filing of a motion, as set forth in FED.R.CIV.P. 37(a)(1) and Local Rule 7.2(g).

The Court finds no evidence of a failure by Defendants to respond to Plaintiff's discovery requests, and that Plaintiff improperly filed his motion prematurely and prior to attempting to resolve the issue. Accordingly,

IT IS, THEREFORE, ORDERED that Plaintiff's Motion to Compel (Doc. No. 43) is DENIED.

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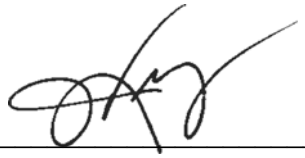
IT IS SO ORDERED this 10th day of January, 2013.



JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE