

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

DAVID WILLIAMS,
ADC #78730

PLAINTIFF

V. 2:09CV00044 WRW/JTR

GREG HARMON, Warden,
East Arkansas Regional Unit, et al.

DEFENDANTS

ORDER

Plaintiff, who is a prisoner proceeding *pro se* in this § 1983 action, has filed a Request for Production of Documents *See* docket entry #30. Discovery requests and responses are *not* to be filed with the Court. Instead, they should be *mailed directly* to the opposing counsel, along with a certificate of service. *See* Fed. R. Civ. P. 5(d). The Court is currently in the process of serving Defendants. Once they have filed their Answer or other responsive pleading, Plaintiff should mail his discovery requests directly to Defendants' attorney.

Plaintiff has also filed a Motion to Compel asking the Court to require Defendants to produce the full names of and/or last known private mailing addresses for Defendants Evans, Franklin, DeCoursey, Stewart, Foreman, and Parker. *See* docket entry #31. On July 13, 2009, the Court entered an Ordering directing the U.S. Marshals to serve Defendants Evans, Franklin, DeCoursey, and Stewart at their last known private addresses, which have been filed under seal. *See* docket entry #28. Thus, Plaintiff's Motion to Compel is moot as to these four Defendants.

In the July 13, 2009 Order, the Court also gave Plaintiff sixty days to use the discovery process to ascertain the full names of and service addresses for Defendants Foreman and Parker. *Id.* Plaintiff has not given defense counsel an opportunity to provide him with that information. Thus,

his Motion to Compel is premature in regard to these two Defendants. *See* Fed. R. Civ. P. 33 and 34 (providing that a party has thirty days to respond to interrogatories or requests for production); Fed. R. Civ. P. 37 (providing that a party may file a motion to compel if the opposing party fails to *timely* respond to a discovery request) (emphasis added); Local Rule 7.2(g) (providing that a motion to compel must include a statement “by the moving party that the parties have conferred in good faith on the specific issue or issues in dispute and that they are not able to resolve their disagreements without the intervention of the Court”).

IT IS THEREFORE ORDERED THAT Plaintiff’s Motion to Compel (docket entry #31) is DENIED.

Dated this 21st day of July, 2009.



UNITED STATES MAGISTRATE JUDGE