

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

BYRON CONWAY,
ADC #113285

PLAINTIFF

v.

2:10CV00010JTK

CORRECTIONAL MEDICAL
SERVICES, INC., et al.

DEFENDANTS

ORDER

This matter is before the Court on several pending motions:

1) Plaintiff's motion to strike (Doc. No. 81) - In this motion, Plaintiff asks the Court to strike the June 28, 2010 motion to dismiss filed by the Plaintiff. By Order dated July 8, 2010, this Court denied Plaintiff's motion to dismiss, finding that plaintiff did not intend to file it with the Court. Therefore, Plaintiff's current motion to strike shall be denied as moot.

2) Plaintiff's motions to compel and for sanctions (Doc. Nos. 82, 101) - In these motions, plaintiff states defendant Correctional Medical Services, Inc. (CMS) and its defendant employees (hereinafter referred to as the medical defendants) have not responded to his June 3 and June 4, 2010 requests for production of documents. Plaintiff's motion for sanctions is also based on this failure to respond. The medical Defendants shall therefore respond to plaintiff's motions within ten days of the date of this Order.

3) Defendant Kelley's second motion to stay discovery, pending resolution of her judgment on the pleadings (Doc. No. 103) - In this motion, defendant Kelley states she has responded to several of plaintiff's discovery requests, but has not filed responses to his second and third sets of interrogatories and request for production of documents, dated July 29, 2010. Defendant Kelley states her motion for judgment on the pleadings is pending, and plaintiff has now filed a response, together with a counter motion for summary judgment. Defendant asks to stay her responses to the outstanding discovery requests, pending resolution of these two

motions. The Court finds Defendant's motion should be granted. Accordingly,

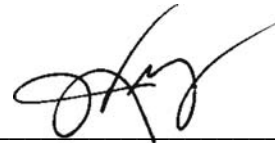
IT IS, THEREFORE, ORDERED:

1) Plaintiff's motion to strike (Doc. No. 81) is hereby DENIED as moot.

2) Defendant Correctional Medical Services, Inc. and the other medical defendants shall respond to Plaintiff's motions to compel and for sanctions (Doc. Nos. 82, 101) within ten days of the date of this Order.

3) Defendant Kelley's second motion to stay discovery (Doc. No. 103) is hereby GRANTED. Defendant Kelley shall respond to Plaintiff's counter motion for summary judgment within ten days of the date of this Order.

IT IS SO ORDERED this 17th day of August, 2010.



UNITED STATES MAGISTRATE JUDGE