

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

GUY CLAYTON BARNES,
ADC #93209

PLAINTIFF

v.

2:10-cv-00101-JLH-JTK

ARKANSAS DEPARTMENT
OF CORRECTION, et al.

DEFENDANTS

ORDER


This matter is before the Court on Plaintiff's Motion to Compel (Doc. No. 22). Defendants filed a Response to the Motion (Doc. No 23-1), and Plaintiff filed a Response (Reply) (Doc. No. 28).

In support of his Motion, Plaintiff asks the Court to Order Defendants to provide previously-requested documents. In their Response, Defendants state they received Plaintiff's discovery requests on November 9, 2010, and that Plaintiff filed the present Motion prior to the due date for their responses, which were submitted on December 9, 2010. Plaintiff appears to acknowledge receipt of the responses in his Reply, but also contends they were submitted out of time.

Even if this Court were to determine that Defendants belatedly submitted their discovery responses to Plaintiff, Plaintiff does not appear to have suffered any prejudice as a result. Since Plaintiff now has received the documents, the Court finds his Motion should be denied as moot. Accordingly,

IT IS, THEREFORE, ORDERED that Plaintiff's Motion to Compel (Doc. No. 22) is hereby DENIED as moot.

IT IS SO ORDERED this 11th day of January, 2011.



JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE