

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

TYRONE JONES, ADC #92503,
and AHMEEN MUMIT, AD #95017

PLAINTIFFS

v.

2:10-cv-00202-JMM-JTK

RAY HOBBS, et al.

DEFENDANTS

ORDER

This matter is before the Court on Plaintiff Mumit's Motion for Default Judgment, which this Court construes as a Motion for Sanctions (Doc. No. 64), and on Defendants' Motion for Extension of Time to file a Dispositive Motion (Doc. No. 69). Defendants filed a Response to the Motion for Default (Doc. No. 70).

In his Motion, Plaintiff Mumit asks for a default judgment against Defendant Ray Hobbs because Defendant failed to provide responses to his discovery requests by the deadline of August 22, 2011. In their Response, Defendants state their responses were mailed to the Plaintiff on August 24, 2011, but that they were unaware until September 20, 2011 that the responses were not delivered to Plaintiff because of a need for additional postage. Defendants state they have re-mailed their responses to Plaintiff at the Tucker Unit. Defendants also oppose Plaintiff's Motion as improperly filed, since Plaintiff first is required to confer in good faith with Defendants concerning outstanding discovery requests. See FED.R.CIV.P. 37(a)(1). If, after conferring in good faith, Plaintiff is not satisfied with Defendants' response, his next step is to file with the Court a motion to compel. Since Plaintiff failed to abide by these rules, Defendants state the Motion should be denied.

The Court agrees that Plaintiff failed to comply with the federal rules by filing the present Motion prior to conferring with counsel. Both Plaintiffs are cautioned to carefully consult the Rules

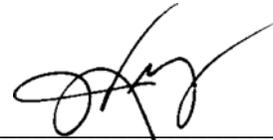
prior to filing future motions. In addition, in light of the Defendants' response, the Court finds that Plaintiffs' Motion should be denied.

The Court will grant Defendants' Motion for Extension of Time in which to file a Dispositive Motion. Accordingly,

IT IS, THEREFORE, ORDERED that Plaintiff Munit's Motion for Default, which this Court construes as a Motion for Sanctions (Doc. No. 64) is DENIED.

IT IS FURTHER ORDERED that Defendants' Motion for Extension of Time (Doc. No. 69) is GRANTED. Dispositive motions shall be filed by November 7, 2011.

IT IS SO ORDERED this 22nd day of September, 2011.



JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE