

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

THOMAS STEVEN FLAHERTY,  
ADC #115819

PLAINTIFF

V.

2:12CV00103 BSM/JTR

AVERY G. COX, Corporal;  
East Arkansas Regional Unit

DEFENDANT

**ORDER**

Plaintiff has filed a Motion asking the Court to compel Defendant to produce incident reports prepared about the February 21, 2012 use of force. *See* docket entry #29. Defendant explains that Plaintiff has not previously sent him a request to produce any such documents. *See* docket entry #30.

Plaintiff must first mail his discovery requests directly to Defendant's attorney. *See* Fed. R. Civ. P. 33, 34, 36, and 37 (describing discovery methods); Fed. R. Civ. P. 5(d) (explaining that discovery requests and responses must be mailed *directly* to the opposing counsel, and *not* filed in the record). If Defendant does not timely or properly respond to written discovery, Plaintiff must first, in good faith, attempt to resolve his discovery disputes with him. *See* Fed. R. Civ. P. 37; Local Rule 7.2(g). Only after Plaintiff has done so, may he then file a Motion to Compel with the Court.

IT IS THEREFORE ORDERED THAT Plaintiff's Motion to Compel (docket entry #29) is DENIED.

Dated this 7<sup>th</sup> day of January, 2013.

  
UNITED STATES MAGISTRATE JUDGE