Scott v. Hobbs et al Doc. 127

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

DEVERICK SCOTT,
ADC #131042 PLAINTIFF

V. 2:12CV00229 DPM/JTR

DANNY BURL, Warden,
Arkansas Department of Correction, et al. DEFENDANTS

ORDER

Plaintiff, Deverick Scott, has filed a Motion to Compel, and Defendants have filed a Response. *Docs. 117 & 125.* For the following reasons, the Motion will be granted.

On April 23, 2013, Plaintiff filed Requests for Production of Documents. *Doc. 53.* Thereafter, he filed a Motion asking the Court to compel Defendants to respond to that discovery request. *Doc. 104.* On December 23, 2013, the Court denied the Motion to Compel because Plaintiff had not mailed a copy of his Requests for Production of Documents to Defendants, as required by Fed. R. Civ. P. 5(d). *Doc. 111.* The Court then instructed Plaintiff that he "must do so." *Id.*

On December 26, 2013, Plaintiff mailed his Requests for Production of Documents to Defendants. *Doc. 125, Exs. A & B* Defendants received them on January 2, 2014, which was the discovery deadline. *Id.* They then mailed Plaintiff

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a letter explaining that they would not respond to his Requests for Production of Documents because he failed to give them thirty days to respond prior to the expiration of the discovery deadline.[1] Plaintiff now asks the Court compel Defendants to respond to his Requests for Production of Documents.

After the December 23, 2013 Order denying the Motion to Compel was entered, Plaintiff should have filed a Motion for an Extension of the Discovery Deadline *before* he mailed his belated Requests for Production of Documents to Defendants. Because he is proceeding *pro se*, the Court will not fault him for failing to doing so. Further, Defendants have not demonstrated that they will be harmed by a brief extension of time to resolve that final outstanding discovery matter before any dispostive motions are filed.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's Motion to Compel (*Doc. 117*) is GRANTED.

2. Defendants must respond to Plaintiff's December 26, 2013 Requests for Production of Documents (*Doc. 125, Ex. B*) **on or before February 7, 2014.**

3. Defendants must file any dispostive motions **on or before March 10,**

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[1] In the October 2, 2013 Revised Scheduling Order, the Court explained that: "the parties must send their final discovery requests to the opposing side so that they have the full amount of time, as provided by the Federal Rules of Civil Procedure, to respond before the discovery deadline expires. For instance, Fed. R. Civ. P. 33(b)(2) states that a party has 30 days to respond to interrogatories. Thus, the parties must send their final interrogatories to the opposing side *at least* 30 days before the expiration of the discovery deadline." *Doc. 93* (emphasis in the original).

2014.

Dated this 24th day of January, 2014.

UNITED STATES MAGISTRATE JUDGE