

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

ANTWAN TATUM  
ADC #143961

PLAINTIFF

V.

2:13CV00151 DPM/JTR

MITCHELL, Sergeant,  
East Arkansas Regional Unit, ADC, et al.

DEFENDANTS

**ORDER**

Defendants Humphrey and Phillips have filed their Answer. *Doc. 52*. The parties will have 120 days to *complete* discovery and 150 days to file any dispositive motions.<sup>1</sup>

Plaintiff alleges, among other things, that Defendants used excessive force against. **Defendants must immediately preserve any video recordings of that incident and any photographs that may have been taken of Plaintiff's injuries. Defendants will have thirty days to locate any such video recordings and photographs and file them, under seal, with the Clerk of the Court for the**

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<sup>1</sup> This means 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.

**Eastern District of Arkansas.** If any such video recordings or photographs have been lost, destroyed, or are no longer available (for any reason), Defendants must notify the Court within thirty days and provide a detailed explanation of why that evidence is no longer available and the names of all ADC employees who had any involvement in the destruction or loss of that evidence. The Court will then promptly schedule a hearing to take testimony from the named ADC employees concerning how and why the video recordings and photographs were lost or destroyed.

Finally, the Court finds good cause for granting Defendants' Motion to Depose Plaintiff. *See* Fed. R. Civ. P. 30(a)(2). Thus, the Motion is granted.

**IT IS THEREFORE ORDERED THAT:**

1. Defendants must, **on or before May 9, 2014**, comply with the instruction in this Order regarding the preservation of video recordings and photographs.
2. Plaintiff must file, **on or before June 9, 2014**, a Motion for Service containing a valid service address for Defendant Brooks,
3. Plaintiff is reminded that if he fails to timely and properly do so, his claims against Defendant Brooks will be dismissed, without prejudice, pursuant to Fed. R. Civ. P. 4(m).
4. Defendants' Motion to Depose Plaintiff (*Doc. 53*) is granted.

5. The parties must complete discovery **on or before August 8, 2014**, and file any dispositive motions **on or before September 8, 2014**.

Dated this 8<sup>th</sup> day of April, 2014.

  
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UNITED STATES MAGISTRATE JUDGE