

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

JONATHON B. JOHNSON
ADC #140542

PLAINTIFF

V.

3:08CV00084 SWW/JTR

LARRY ZANE BOYD, Administrator,
Crittenden County Detention Center, et al.

DEFENDANTS

ORDER

Plaintiff, who is a prisoner proceeding *pro se* in this § 1983 action, has filed a Motion to Compel, and Defendants have filed a Response thereto. *See* docket entries #26 and #31. For the reasons set forth herein, the Motion will be denied, at this time.

On August 26, 2008, Plaintiff sent Defendants thirty-four Requests for Production. *See* docket entry #26, attachments. On August 29, 2008, Defendants sent Plaintiff a letter stating:

I am in receipt of your Requests for Production of Documents. Your requests do not comply with the Federal Rules of Civil Procedure. I am returning your requests to you and asking that you limit your requests to a total of 25 requests including subparts. Please re-propound your discovery requests pursuant to the rules. Thank you for your cooperation.

Id., attachments at page 5. However, contrary to Defendants' assertion, the Federal Rules of Civil Procedure *do not* limit the number of requests for production of documents. *Compare* Fed. R. Civ. P. 34 (containing *no limit* on the number of requests for production of documents); *with* Fed. R. Civ. P. 33 (limiting a party to 25 written interrogatories).

Without acknowledging their error, Defendants now assert that Plaintiff's Motion to Compel is premature because they have until September 28, 2008, to answer his August 26, 2008 Requests for Production. *See* docket entry #31. The Court disagrees with this assertion as the August 29,

2008 letter clearly indicated to Plaintiff that Defendants did not intend to respond to his Requests for Production. Nevertheless, Plaintiff's Motion to Compel is now moot as Defendants have stated (in their Response to the Motion to Compel) that they intend to produce the requested documents by September 28, 2008, or to request an extension of time to do so. *See* docket entry #31. Accordingly, Plaintiff's Motion to Compel will be denied, at this time. Plaintiff may refile the Motion if Defendants do not timely or fully respond to his requests for production.

IT IS THEREFORE ORDERED THAT Plaintiff's Motion to Compel (docket entry #31) is DENIED, at this time.

Dated this 22nd day of September, 2008.


UNITED STATES MAGISTRATE JUDGE