

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

JACK LEROY RAGLAND, JR.  
ADC #120730

PLAINTIFF

V.

3:08CV00203 JMM/JTR

KEITH MILAN; and  
J.T. LILLARD, Officers,  
Craighead County Detention Center

DEFENDANTS

**ORDER**

Defendants in this *pro se* § 1983 action have filed two non-dispositive Motions. Each Motion will be addressed separately.

**I. Defendants' Motion to Compel**

On June 26, 2009, Defendants filed a Motion to Compel Plaintiff to answer their April 3, 2009 Interrogatories and Request for Production.<sup>1</sup> *See* docket entries #23 and #24. Plaintiff has not filed a Response to Defendants' Motion, and the time for doing so has expired. *See* Local Rule 7.2(b) (providing that an opposing party has eleven days to file a response to a motion); Local Rule 7.2(f) (providing that: "The failure to timely respond to any nondispositive motion . . . shall be an adequate basis, without more, for granting the relief sought in said motion").

Independent of Plaintiff's failure to file a Response, the Court also finds good cause for granting Defendants' request.

Therefore, the Court concludes that Plaintiff *must file answers* to each of Defendants'

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<sup>1</sup> One of the claims in this action is that Defendants allegedly failed to provide Plaintiff with adequate medical care. *See* docket entries #1, #2, and #8. Therefore, in these discovery papers, Defendants also sought to have Plaintiff execute a Medical Authorization.

April 3, 2009 Interrogatories and Request for Production, within thirty days from the entry of this Order.<sup>2</sup> Plaintiff's failure to comply with this Order may be grounds for dismissing this action. *See* Fed. R. Civ. P. 37(b)(2)(A)(v) (providing, in pertinent part, that a court may dismiss an action if "a party fails to obey an order to provide or permit discovery").

## **II. Defendants' Motion for an Extension of Time**

The dispositive motion deadline in this case was July 10, 2009, and the case is scheduled to proceed to an Evidentiary Hearing/Trial on September 23, 2009. *See* docket entry #21. On July 2, 2009, Defendants filed a Motion asking the Court to extend the dispositive motion deadline so that they will have sufficient time to review the discovery answers Plaintiff files in compliance with this Order. *See* docket entry #25. The Court finds good cause for granting this request. In light of the extension of the discovery deadline, the Court will cancel the September 23, 2009 Evidentiary Hearing/Trial and reschedule it (if necessary) at a later date.

## **III. Conclusion**

IT IS THEREFORE ORDERED THAT:

1. Defendants' Motion to Compel (docket entry #23) is GRANTED.
2. Plaintiff shall *file*, **on or before August 13, 2009**, his Answers to Defendants' April 3, 2009 Interrogatories and Requests for Production, which includes Plaintiff executing a Medical Authorization.
3. Defendants' Motion for an Extension of Time (docket entry #25) is GRANTED.

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<sup>2</sup>This means Plaintiff must serve and file his answers on or before August 13, 2009.

Usually, discovery answers are not filed with the Court, but instead, are mailed directly to opposing counsel, along with a certificate of service. *See* Fed. R. Civ. P. 5(d). However, Plaintiff must *file* his Answers to Defendants' April 3, 2009 discovery requests *with the Clerk* so that the Court can determine if he has timely and properly complied with this Order.

5. The September 23, 2009 Evidentiary Hearing/Trial is CANCELED, and all remaining deadlines imposed in the April 7, 2009 Scheduling Order (docket entry #21) are VACATED.

6. The parties must file any dispositive motions **on or before September 11, 2009**.

Dated this 14<sup>th</sup> day of July, 2009.

  
UNITED STATES MAGISTRATE JUDGE