

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

**MICHAEL DOUGLAS FRAZIER  
ADC #151108**

**PLAINTIFF**

**v.**

**CASE NO. 3:16-CV-00224-BSM**

**DAVID CARTER &  
ZACH WOLVERTON**

**DEFENDANTS**

**ORDER**

Plaintiff Michael Frazier's motion to compel [Doc. No. 12] is denied because defendants David Carter and Zach Wolverton certified that the requested materials do not exist or are not in their possession. Doc. No. 13-2 (defendants' responses); Fed. R. Civ. P. 34(a)(1) (party may request production of materials "in the responding party's possession, custody, or control"). Frazier's request for an order compelling discovery of inventory materials is denied because he has not requested those materials from the defendants. *See* Fed. R. Civ. P. 37(a)(3)(B) (party may move to compel after responding party fails to respond to request). Frazier is reminded that he must attempt to resolve discovery disputes before filing a motion to compel and certify that he has done so in his motion. *See* Fed. R. Civ. P. 37(a).

IT IS SO ORDERED this 19th day of January 2017.

  
UNITED STATES DISTRICT JUDGE