

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

ELINDA J. STRIBLING

PLAINTIFF

VS.

4:08CV00596JMM

ARKANSAS STATE HOSPITAL

DEFENDANT

ORDER

Pending is Defendant's motion to compel. (Docket # 110). On April 21, 2010, Defendant forwarded Plaintiff its first interrogatories and requests for production of documents. Thereafter, on June 9, 2010, Defendant filed a motion to compel responses to discovery. Plaintiff responded to the motion both through appointed counsel and *pro se*. In her *pro se* response, Plaintiff requested appointment of new counsel. Plaintiff's *pro se* motion was denied on June 28, 2010. On June 30, 2010, the Court denied the Defendant's motion to compel without prejudice and granted Plaintiff an extension of time in which to respond to the discovery.

On July 28, 2010, Plaintiff filed a renewed motion for appointment of counsel. United States Magistrate Judge Jerry Cavaneau directed Plaintiff's appointed counsel to respond to Plaintiff's *pro se* motion. On August 17, 2010 the Court entered an Order denying Plaintiff's motion finding that "[t]his record demonstrates that counsel has diligently and competently represented Plaintiff since his appointment. . . ." The Court cautioned "Plaintiff is advised to cooperate with counsel and to follow his advice in preparing for trial. This is the second appointed attorney with whom Plaintiff has been dissatisfied (see doc. 65). Appointing new counsel at this point would be inefficient and would result in further delay. Should further problems arise, the Court may well decline to appoint another attorney, instead requiring Plaintiff to represent herself."

Defendant's current motion to compel, filed October 6, 2010, complains that on July 30, 2010, Plaintiff emailed unsigned and unresponsive responses to the discovery requests. Defendant seeks full and complete discovery responses. Defendant also complains that Plaintiff previously failed to attend her properly noticed deposition. The Court set the matter for hearing on October 13, 2010. On October 12, 2010, the Court received Plaintiff's *pro se* response to the motion to compel stating that she would not be able to attend the scheduled hearing.

Plaintiff's appointed counsel and counsel for Defendant appeared at the hearing.

Following argument of counsel the Court finds and orders as follows:

1. Plaintiff's appointed counsel Gregory D. Taylor is hereby relieved as counsel for Plaintiff. Mr. Taylor is directed to provide Plaintiff with a copy of her file by certified mail. Mr. Taylor should file with the Clerk a notice of compliance showing delivery thereof. The Clerk is directed to update the docket to reflect Plaintiff as appearing *pro se* and to show her address as: 15509 Capitol Hill Blvd., Apt. 426, Little Rock, AR 72210.
2. Defendant's motion to compel is GRANTED. Plaintiff is directed to provide full and complete responses to the outstanding discovery requests on or before October 27, 2010.
3. The deposition of Plaintiff scheduled October 15, 2010 is hereby cancelled. Plaintiff is required to appear for deposition at a mutually convenient date and time before November 15, 2010.
4. Plaintiff must be familiar with Local Rule 5.5(c)(2), which provides that: "It is the duty of any party not represented by counsel to promptly notify the Clerk and the

other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. If any communication from the Court to a pro se plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding pro se shall be expected to be familiar with and follow the Federal Rules of Civil Procedure.”

5. Plaintiff is cautioned that failure to comply with this or any order of the Court may result in sanctions being imposed including the dismissal of this action.

The Clerk is requested to provide a copy of this Order by regular and certified mail to Plaintiff at 15509 Capitol Hill Blvd., Apt. 426, Little Rock, AR 72210. The Clerk is directed to file the certified mail receipt demonstrating the certified mail’s delivery or lack thereof.

IT IS SO ORDERED this 13th day of October, 2010.


James M. Moody
United States District Judge