

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

DEWITT SHOTTS

PLAINTIFF/COUNTERDEFENDANT

v.

CASE NO. 4:08-CV-01779 BSM

UNITED STATES OF AMERICA

DEFENDANT/COUNTERCLAIMANT

ORDER

Before the court is defendant United States of America's (the "government") motion to compel and to modify scheduling order. The response to the motion was due on July 21, 2009. To date, plaintiff Dewitt Shotts ("Shotts") has failed to respond to the motion. For the reasons stated herein, the motion is granted.

The government states that despite numerous requests, Shotts has failed to produce his initial disclosures to the United States and is now almost four months behind the deadline. Furthermore, Shotts's response to the interrogatories and requests for production of documents propounded by the government was due on June 15, 2009. The court denied Shotts's motion to stay discovery on July 1, 2009. The government states that it informed counsel for Shotts that it would file a motion to compel if it did not hear from him by July 2, 2009. As of July 7, 2009, Shotts has failed to provide the government with his initial disclosures or responses to the government's written discovery. The government's motion to compel is granted. Shotts is directed to provide his initial disclosures and responses to the government's written discovery on or before August 17, 2009. Failure to comply with the court's order will result in the dismissal of Shotts's claims for failure to prosecute.

The government also requests that the court modify the scheduling order to extend the remaining deadlines by 60 days. The court will issue a new scheduling order extending the remaining deadlines.

Accordingly, defendant's motion to compel and to modify scheduling order (Doc. No. 27) is granted. Plaintiff Dewitt Shotts is directed to provide his initial disclosures and responses to the government's written discovery on or before August 17, 2009. The court will issue a new scheduling order extending the remaining deadlines.

IT IS SO ORDERED THIS 7th day of August, 2009.


UNITED STATES DISTRICT JUDGE