

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

DEWITT SHOTTS

PLAINTIFF

v.

CASE NO. 4:08-CV-01779 BSM

UNITED STATES OF AMERICA

DEFENDANT

ORDER

Before the court is the government's second motion to modify the scheduling order and extend the discovery deadline, (Doc. No. 45), and the government's motions to dismiss, for default judgement, and attorney's fees and costs, (Doc. No. 35). For the reasons set forth below, the government's motion to modify the scheduling order and extend the discovery deadline is granted, while the government's motions to dismiss, for default judgment, and attorney's fees and costs are all denied.

The government's motion to modify the scheduling order and extend the current discovery deadline, December 21, 2009, until 60 days after plaintiff Dewitt Shotts provides responses to the government's document requests is granted. The parties are instructed to promptly notify the court when production has been made. The remaining scheduling deadlines will be modified accordingly.

Moreover, upon a proper showing of cause by Shotts, (Doc. No. 46), the government's motions to dismiss, for default judgment, and attorney's fees and costs are all denied. Although Shotts has not complied with the discovery rules and with the order compelling discovery, steps have been taken to assure that Shotts meets all future deadlines.

Accordingly, the government's motion to modify the scheduling order and extend the discovery deadline until 60 days after Shotts provides responses to the government's document requests is granted. The government's motions to dismiss, for default judgment, and attorney's fees and costs are all denied.

IT IS SO ORDERED THIS 10th day of December 2009


UNITED STATES DISTRICT JUDGE