

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

DARNELL PORTER,
#116186

PLAINTIFF

v.

4:09-cv-00890-JTK

NURSE LUMPKIN, et al.

DEFENDANTS

ORDER

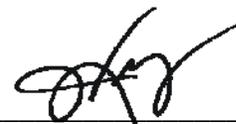
This matter is before the Court on Plaintiff's Motion to Compel and for Sanctions (Doc. No. 49). Defendants filed a Response to the Motion (Doc. No. 50).

In support of the Motion, Plaintiff states Defendants have not responded to his discovery requests. In their Response, Defendants state they mailed responses to Plaintiff on September 3, 2010 and September 14, 2010, but they were returned to the Sender due to an insufficient address for the Plaintiff. Defendants state they re-mailed their responses to Plaintiff on September 20, 2010. Defendants attach copies of the correspondence mailed to Plaintiff as exhibits to their Response.

In light of the Defendants' Response, the Court finds Plaintiff's Motion should be denied as moot. The Court also finds no evidence of bad faith or motive on the Defendants' part, and therefore, will deny Plaintiff's request for sanctions. Accordingly,

IT IS, THEREFORE, ORDERED that Plaintiff's Motion to Compel and for sanctions (Doc. No. 49) is hereby DENIED as moot.

IT IS SO ORDERED this 23rd day of September, 2010.



JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE