

**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 second Motion to Compel (Doc. No. 53). Defendants filed a Response to the Motion (Doc. No. 54).

By Order dated September 23, 2010, this Court denied as moot Plaintiff's first Motion to Compel, finding Defendants' responses to Plaintiff's discovery requests initially were mailed to Plaintiff at an incorrect address, and were re-mailed to Plaintiff on September 20, 2010 (Doc. No. 51). Plaintiff's Second Motion to Compel, which seeks the same relief as the first Motion (Doc. No. 49), is dated September 21, 2010, and therefore was drafted prior to receiving the Defendants' responses and this Court's Order. Since the present Motion seeks the same relief as the first Motion, the Court finds the present Motion should be denied as moot.

IT IS SO ORDERED this 1st day of October, 2010.



JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE