

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

ERIC L. ALLEN

PLAINTIFF

V.

No. 4:10CV01452 BD

KARL BYRD, et al.

DEFENDANTS

ORDER

On January 19, 2011, both parties consented to have this matter heard by a United States Magistrate Judge. (Docket entry #38) This Court previously had recommended that Plaintiff's motion to amend his complaint be denied. (#15) For the reasons stated in the partial recommended disposition, Plaintiff's motion to amend (#14) is now DENIED.

Plaintiff has also filed a motion for summary judgment asking the Court to award money damages based upon the Defendants' failure to respond to discovery responses. Summary judgment is generally not an appropriate sanction for a party's failure to respond to discovery requests. Accordingly, Plaintiff's motion for summary judgment (#40) is DENIED at this time. Plaintiff is not prohibited from filing a motion to compel if discovery responses are not forthcoming.

IT IS SO ORDERED this 24th day of January, 2011.


UNITED STATES MAGISTRATE JUDGE