

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

GREGORY DAVIS,
ADC #97816

PLAINTIFF

V.

5:10CV00271 SWW/JTR

DOES, Five Unknown Officers
at the Maximum Security Unit; and
JOHN GLASSCOCK, Lieutenant,
Arkansas Department of Correction

DEFENDANTS

ORDER

Plaintiff, Gregory Davis, has recently filed a Motion to Compel (docket entry #46). For the following reasons, the Motion will be denied.

On July 25, 2011, the Court issued, at Plaintiff's request, a Subpoena Duces Tecum directing the Warden of the Maximum Security Unit to produce certain documents that might assist Plaintiff in identifying the prison officers who allegedly used excessive force against him in November or December of 2009. *See* docket entry #42. On August 11, 2011, the Warden timely complied with the subpoena by producing the documents to the Court. On August 15, 2011, the Court mailed the documents to Plaintiff at the Cummins Unit. *See* docket entry #44.

On August 23, 2011, Plaintiff filed a Notice explaining that he had recently

been transferred to the East Arkansas Regional Unit (“EARU”). *See* docket entry #46. On the same day, Plaintiff filed a Motion to Compel stating that he has not received any documents in response to the July 25, 2011 subpoena. *Id.* Accordingly, he asks the Court to compel the Warden to comply with the subpoena.

Plaintiff’s request is moot because the Warden has timely responded to the subpoena. Although it is unclear, it appears that the Court mailed the documents to Plaintiff at the Cummins Unit either during or after his transfer to the East Arkansas Regional Unit. Thus, the Court will direct the Clerk to mail Plaintiff an additional copy of the documents, and give him a brief extension of time to file his Motion for Service containing the names of and service addresses for the John Doe Defendants.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff’s Motion to Compel (docket entry #46) is DENIED, AS MOOT.
2. The Clerk is directed to mail Plaintiff a copy of the documents received pursuant to the July 25, 2011 subpoena duces tecum (docket entry #44). The documents should be mailed to Plaintiff at his new address at the EARU.
3. Plaintiff shall file, **on or before September 8, 2011**, a Motion for Service that contains the names of and service addresses for the John Doe Defendants.
4. Plaintiff is reminded that if he fails to timely and properly do so, the John Doe Defendants will be dismissed, without prejudice, pursuant to Fed. R. Civ. P.

4(m).

Dated this 25th day of August, 2011.



UNITED STATES MAGISTRATE JUDGE