

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

TERRY PROCTOR,
ADC #87410

PLAINTIFF

v.

5:10-cv-00376-SWW-JTK

NEEMA SUPHAN, et al.

DEFENDANTS

ORDER

This matter is before the Court on Plaintiff's Motions to Compel, for Copies, and to Dismiss his Motion for Copies (Doc. Nos. 93, 94, 105). Defendants filed Responses to the Motion to Compel (Doc. Nos. 96, 100, 104) and to the Motion for Copies (Doc. Nos. 97, 101).

In his Motion to Compel, Plaintiff states Defendants have not responded to his discovery requests, despite sending three letters to each counsel requesting responses. Plaintiff claims Defendants are conspiring to use unethical trial tactics against him.

In her Response (Doc. No. 96), Defendant Kelley states she mailed a copy of her responses to Plaintiff on May 26, 2011, and a second copy after receiving a letter from the Plaintiff. Defendant denies receiving three letters from Plaintiff and denies Plaintiff's conspiracy accusations. Defendant Kelley also attaches copies of her responses to Plaintiff's discovery requests (Doc. Nos. 96-1, 96-2). Defendant Suphan, in her Response (Doc. No. 100), states that her discovery responses are not yet due, since she just recently received the requests, and denies receiving a letter from Plaintiff conferring about the discovery prior to filing his Motion. Separate Defendants Correctional Medical Services, Inc. (CMS), Green, Miller, Mullins and Ifediora (medical Defendants) state they were not properly served with Plaintiff's requests because their counsel had not yet entered an appearance at the time Plaintiff submitted the requests. Defendants also state Plaintiff has failed to resolve this disagreement prior to filing his Motion as required by Local Rule 7.2 and FED.R.CIV.P. 37(a)(1).

Finally, Defendants state they advised Plaintiff they could not respond to his requests because they were not directed to any particular Defendant and that Plaintiff has not resolved this dispute by identifying the parties to whom the discovery was directed.

In light of Defendants' Responses, the Court finds Plaintiff's Motion should be denied. Plaintiff may resubmit his discovery requests to the medical Defendants by identifying the parties to whom they are directed. In addition, Plaintiff is cautioned to comply with the Local Rule 7.2 which requires parties to confer prior to filing motions with the Court about discovery disputes. Finally, the Court finds no evidence of bad faith or a conspiracy on the part of the Defendants. Accordingly,

IT IS, THEREFORE, ORDERED that Plaintiff's Motion to Compel (Doc. No. 93) is DENIED.

IT IS FURTHER ORDERED that Plaintiff's Motion to Dismiss (Doc. No. 105) his Motion for Copies (Doc. No. 94) is GRANTED.

IT IS SO ORDERED this 1st day of July, 2011.



JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE