

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

JOHN CALDWELL,  
ADC #90188

PLAINTIFF

V.

5:14CV00042 BSM/JTR

WENDY KELLEY,  
Deputy Director of Health Services, ADC, et al.

DEFENDANTS

**ORDER**

Plaintiff, John Caldwell, has filed this *pro se* § 1983 action alleging that Defendants failed to provide him with constitutionally adequate medical care. *Doc.* 2. Plaintiff has recently filed four nondispositive Motions, which the Court will address separately.

**I. Plaintiff's Motion for a Ruling**

Plaintiff has recently filed a Motion seeking a ruling on his Motion to Validate and Authenticate Documents. *Doc.* 88. The Motion for a Ruling is granted.

**II. Plaintiff's Motion to Validate and Authenticate Documents**

Plaintiff alleges that, on November 29, 2014, Defendants improperly mailed him copies of their Motion for Summary Judgment, Statement of Undisputed Facts, and Brief in Support that did not include a file stamp. *Docs.* 76, 77, & 78. Accordingly, he has filed a Motion asking the Court to “validate and authenticate”

Defendants' summary judgment papers by instructing the Clerk to mail him file stamped copies of those pleadings. *Doc. 81*. Plaintiff's request is moot because the Clerk has already mailed him file stamped copies of Defendants' summary judgment papers. *Id.* Thus, the Motion is denied.<sup>1</sup>

### **III. Plaintiff's Motion for Copies**

Plaintiff has filed a Motion seeking a copy of an envelope he allegedly included as an exhibit to his Motion to Validate and Authenticate Documents. *Docs. 81 & 90*. The Court did not receive any such envelope. Thus, the Motion is denied.

### **IV. Plaintiff's Motion for Default Judgment**

On December 1, 2014, the Court entered an Order directing Defendants Iko, Floss, and York to file, within fourteen days, supplemental responses to Plaintiff's discovery requests. *Doc. 79*. Plaintiff has filed a Motion arguing that he is entitled to default judgment, as a discovery sanction, because Defendants Iko, Floss, and York did not comply with the Court's December 1, 2014 Order. *Doc. 87*. Plaintiff's Motion is denied because, on December 15, 2014, Defendants timely and properly filed their supplemental responses. *Doc. 82*. Thus, the Motion for Default Judgment is denied.

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<sup>1</sup> The Court wishes to explain to Plaintiff that defendants often mail plaintiffs courtesy copies of dispositive motions *at the same time* that they mail those dispositive motions to the Clerk for filing in the record. Thus, it is not unusual for plaintiffs to receive a non-file stamped copy of a dispositive motion from the defendants and then, a few days later, a file stamped copy of those same documents from the Clerk.

## V. Conclusion

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's Motion for a Ruling (*Doc. 88*) is GRANTED.
2. Plaintiff's Motion to Validate and Authenticate Documents (*Doc. 81*) is DENIED.
3. Plaintiff's Motion for a Default Judgment (*Doc. 87*) is DENIED.
4. Plaintiff's Motion for Copies (*Doc. 90*) is DENIED.

Dated this 15<sup>th</sup> day of January, 2015.

  
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UNITED STATES MAGISTRATE JUDGE