

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

**LEVESTER GILLARD, SR.
ADC #92839**

PLAINTIFF

V.

CASE NO. 5:14-CV-170 JM/BD

CONNIE WILKERSON, et al.

DEFENDANTS

ORDER

Mr. Gillard has moved for an order compelling Defendants to respond to certain discovery requests. (Docket entry #61) In addition, he has moved for the Court to order the Defendants to provide him prescription breathing treatments. (#64) The Court will address each motion separately.

In his motion to compel, Mr. Gillard requests the names of the staff members who worked the “p.m. shifts” in the infirmary at the Varner Unit for twelve specific dates. ADC Defendants respond that Mr. Gillard does not provide the year for the dates requested in his motion. In his complaint, Mr. Gillard references the same dates in December 2013, so it is obvious that he seeks the information from 2013. (#2 at p.10)

The Medical Defendants’s response to Mr. Gillard’s motion notes that Mr. Gillard has already propounded twenty-five interrogatories, the presumptive limit under the Federal Rules of Civil Procedure. Although Rule 33 limits the number of interrogatories that may be served on a party, the court can grant leave for a party to serve additional interrogatories. Because the information Mr. Gillard seeks may be relevant to his

pending claims, the motion to compel (#61) is GRANTED. The parties have thirty days to respond to provide Mr. Gillard the information requested in his motion to compel.

Mr. Gillard also has moved for preliminary injunctive relief. (#64) In his motion, he states that, since filing this lawsuit, he has been denied prescription breathing treatments. He does not provide any dates that these treatments were denied. Mr. Gillard filed a similar motion earlier, listing specific dates that he was denied breathing treatments. (#46) The Court denied that motion. (#55) Because Mr. Gillard does not provide any additional information or dates in the pending motion, his request for preliminary injunctive relief (#64) is DENIED.

IT IS SO ORDERED this 6th day of January, 2015.


UNITED STATES MAGISTRATE JUDGE