

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

LUKE BRADLEY FRANCIS

PLAINTIFF

v.

No. 2:20-CV-2220

DONALD EVERSOLE

DEFENDANT

OPINION AND ORDER

Before the Court is a motion for sanctions filed by Plaintiff Luke Bradley Francis, styled as a “verified motion regarding sufficiency of answer and for sanctions” (Doc. 40). Mr. Francis’s motion concerns Defendant Donald Eversole’s responses to Mr. Francis’s requests for admission under Federal Rule of Civil Procedure 36. Mr. Francis’s complaints appear to be twofold: (1) that it is somehow improper for Mr. Eversole’s attorney of record to have signed the responses rather than Mr. Eversole himself; and (2) that Mr. Eversole’s responses are false. Both of these arguments are meritless. Rule 36(a)(3) expressly authorizes a party’s attorney to sign his responses to requests for admission. And nearly all civil lawsuits involve factual disputes; such disagreements are resolved through summary judgment proceedings or trial—not discovery motions.

Mr. Francis, who is proceeding *pro se*, is hereby cautioned that “[a]lthough pro se pleadings are to be construed liberally, pro se litigants are not excused from failing to comply with substantive and procedural law.” *Burgs v. Sissel*, 745 F.2d 526, 528 (8th Cir. 1984). This includes the requirement that the legal contentions in all filings be “warranted by existing law or by a nonfrivolous argument.” *See* Fed. R. Civ. P. 11(b)(2). Violations of this requirement may result in sanctions. *See id.* at 11(c).

IT IS THEREFORE ORDERED that Plaintiff Luke Bradley Francis's motion for sanctions (Doc. 40) is DENIED.

IT IS SO ORDERED this 14th day of October, 2022.

P. K. Holmes, III

P.K. HOLMES, III
U.S. DISTRICT JUDGE