

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

KELWIN DEWAYNE ADAMS

PLAINTIFF

v.

Civil No. 06-3074

ALVIN DALE BOLEN; Transport
Officer; EDDIE WHITMIRE; Deputy;
DONALD KOPPENHAVENER, Investigator; and
BRIAN STOCKTON, Jail Administrator, all
of the Searcy County Detention Center

DEFENDANTS

ORDER

On August 16, 2007, defendants' motion to dismiss this case was granted (Doc. 21). The defendants asserted in their motion that the plaintiff had failed to provide them with discovery responses as ordered by the court.

The plaintiff has now filed a motion to reopen (Doc. 22) and a motion for leave to appeal *in forma pauperis* (Doc. 23). In the motion to reopen, plaintiff indicates he did provide the defendants with the discovery responses. He attaches to the motion to reopen a letter from court staff noting that his answers to interrogatories were received by the court clerk but were not filed in accordance with the provisions of Federal Rule of Civil Procedure 5(d)(iii). Instead, the discovery responses were forwarded by copy of a letter dated April 24, 2007, to counsel for defendants.

For this reason, the motion to reopen (Doc. 21) is granted. The case is returned to the court's active docket. The motion for leave to appeal *in forma pauperis* is denied as moot (Doc. 23). Plaintiff has already been granted leave to proceed before this court *in forma pauperis*. See

(Doc. 3). As the case has been reopened, there will be no need for plaintiff to file a notice of appeal at this point.

The court had previously established a deadline for the filing of the defendants' summary judgment motion. The summary judgment deadline is now set at **November 2, 2007**.

IT IS SO ORDERED this 5th day of September 2007.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE