

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

JAMES T. LIVSEY

PLAINTIFF

v.

Civil No. 4:10-cv-04168

CAPTAIN JACK HINTZLEMAN;  
CAPTAIN HEARTLINE; CORPORAL  
J. PEACY; SERGEANT WOODY GILES;  
SERGEANT MILLER; SERGEANT RAGGS;  
and SERGEANT BLAYLESS

DEFENDANTS

**MEMORANDUM OPINION**

James T. Livsey filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. His complaint was filed *in forma pauperis* (IFP). The case is before me pursuant to the consent of the parties (ECF No. 30).

On October 17, 2011, I entered an order (ECF No. 35) granting the Defendants' motion to compel. Plaintiff was directed to provide the Defendants with discovery responses by November 17, 2011. On November 22, 2011, Defendants filed a motion to dismiss (ECF No. 36). In the motion, Defendants state they have not received the discovery responses from the Plaintiff. Plaintiff has not responded to the motion to dismiss. Defendants' motion to dismiss (ECF No. 36) is granted. A judgment incorporating these findings will be entered pursuant to Federal Rules of Civil Procedure 52 and 58.

**DATED this 12<sup>th</sup> day of January 2012.**

/s/ Barry A. Bryant  
HON. BARRY A. BRYANT  
UNITED STATES MAGISTRATE JUDGE