

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

TIMOTHY EDWARD KENNER

PLAINTIFF

v.

Civil No. 4:12-CV-04151

JOHNNY GODBOLT; NURSE
LORI JONES; SHERIFF JAMES
SINGLETON; LT. GLOVER;
NURSE LORI ROOK; JAILER RAY;
SGT. XUMUALT; JAILER RAY;
NURSE JOAN MCCLEAN;
JAILER STONE; and JAILER BUNN

DEFENDANTS

ORDER

Plaintiff Timothy Kenner filed this case *pro se* on December 19, 2012 pursuant to 42 U.S.C. § 1983. ECF No. 1. At the time Plaintiff filed his Complaint he was incarcerated in the Hempstead County Detention Center. According to Plaintiff's address of record he is no longer incarcerated. Currently before the Court is Defendants Motion to Compel. ECF No. 29.

On November 22, 2013, Defendants filed a Motion to Compel seeking an Order compelling Plaintiff to respond to Defendants' First Set of Interrogatories and Requests for Production. ECF No. 29. In their Motion, Defendants' state they first served the discovery requests on Plaintiff at his address of record on September 20, 2013. The discovery requests were not returned as undeliverable. Plaintiff did not respond. On October 30, 2013, Defendants sent a second request asking Plaintiff to respond to the discovery request and informing Plaintiff, if he failed to respond, Defendants would file a motion to compel. The second request was also not returned as undeliverable. Plaintiff again failed to respond.

Under the Federal Rules of Civil Procedure, Plaintiff is afforded thirty (30) days to respond to discovery requests. Fed. R. Civ. P. 33(b)(2) & 34(b)(2)(A). Plaintiff did not request an extension of time to respond to Defendants' discovery requests. Therefore, Plaintiff has failed to respond in the time provided by law.

Accordingly, Defendants' Motion to Compel (ECF No. 29) is **GRANTED**. Plaintiff is **DIRECTED** to provide Defendants with the required responses to the discovery requests **by 5:00 p.m. on Monday, September 15, 2014**. Further, Defendants are **DIRECTED** to notify the Court if Plaintiff fails to respond to the discovery requests by **September 15, 2014**. Lastly, Plaintiff is advised that failure to comply with this Order may result in the dismissal of this case.

IT IS SO ORDERED this 12th day of August 2014.

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