

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

RONALD CHERRY

PLAINTIFF

vs.

Case No. 4:13-cv-04095

SOUTHERN REFRIGERATED
TRANSPORT

DEFENDANT

ORDER

On October 15, 2013, Plaintiff filed a *pro se* Complaint against Defendant, Southern Refrigerated Transport, alleging discrimination based on race and color. ECF No. 1. On October 31, 2014, Defendant, served written discovery requests on Plaintiff by mail to Plaintiff's mailing address. ECF No. 39. Plaintiff's answers and responses were due on December 4, 2014. *See* Fed. R. Civ. P. 33(b)(2), 34(b)(2)(A), and 6(d).

On December 9, 2014, Defendant counsel sent an inquiry to Plaintiff regarding his failure to provide discovery responses. *Id.* Plaintiff claimed he had not received the requests. *Id.* On December 10, 2014, Defendant sent a courtesy copy of the discovery requests to Plaintiff by email. In that correspondence, Plaintiff was asked if he would be able to provide responses that week, but Plaintiff indicated he would not. *Id.*

On December 23, 2014, Defendant filed a Motion to Compel based on Plaintiff's failure to answer discovery requests. ECF No. 33. On January 6, 2015, Defendant's Motion to Compel was granted and Plaintiff was ordered to answer discovery requests by January 16, 2015. ECF No. 35. On January 15, Plaintiff sent Defendant's counsel an email with an attachment entitled "Answers 1.doc" which stated, in its entirety:

Answer to all questions and requests for productions from Defendant:

Plaintiff's position is that each question or answer cannot be at this time be fully answered; based on the fact they are not relevant to this matter or that the Plaintiff will be requesting a hearing to question and fully have the Defendant's counsel explain its specific merit. This request was to be submitted today; January 15th, but the Clerk's office was closed early and prevented Plaintiff from submitting the needed documents. In such; Plaintiff is not refusing to answer any question or produce any document requested, but maintains a position to wait until the Court has deemed all requests valid; by each point; and will such comply with the Courts direction.

The previous response is submitted for every question or request submitted by the Defendants counsel prior to January 15th.

ECF No. 39-1.

Based on Plaintiff's failure to responded to the outstanding discovery requests, Defendant filed a Motion for Sanctions seeking dismissal of Plaintiff's Complaint or any further relief deemed necessary. ECF No. 38. On February 12, 2015, Defendant's Motion for Sanctions was granted and Plaintiff was ordered to pay \$500.00 in monetary sanctions to Defendant within sixty (60) days of the order. ECF No. 50.

By further Order of this Court, Plaintiff is Ordered to answer all outstanding discovery requests made the subject of Defendant's Motion to Compel (ECF No. 33) no later than February 27, 2015.

DATED this 19th day of February, 2015.

/s/ Barry A. Bryant
HON. BARRY A. BRYANT
U.S. MAGISTRATE JUDGE