

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

RONNIE DEON FOODS

PLAINTIFF

v.

Civil No. 4:14-cv-04071

SHERIFF VICTOR C. ROSE;
LT. THEARTICE; LAFAYETTE COUNTY
JAIL; CHIEF TUMBERLIN; OFFICER COX;
DOCTOR ANTUEN; and CITY OF LEWISVILLE

DEFENDANTS

ORDER

Plaintiff proceeds in this section 1983 matter *pro se*. Currently before the Court is Defendants, City of Lewisville and Chief Jason Tomlin's Motion to Compel. ECF No. 33.

At the time Plaintiff filed his Complaint, May 6, 2014, he was incarcerated in the Arkansas Department of Correction Randall L. Williams Unit. Plaintiff's address of record indicates he is no longer incarcerated and residing in Lewisville, Arkansas.

In the Motion, Defendants indicate they initially sent Plaintiff discovery requests on July 8, 2015 at his address of record in Lewisville. Defendants did not receive a response. On August 12, 2015, Defendants sent a second request to Plaintiff at his Lewisville address along with a letter explaining that they would file a Motion to Compel if they did not receive a response to the discovery requests by August 19, 2015. Plaintiff failed to respond. Neither of the mailings sent to Plaintiff were returned as undeliverable mail.

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. 33) is **GRANTED**. Plaintiff is **DIRECTED** to provide Defendants with the required responses to the discovery requests **by 5:00 p.m. on Tuesday, December 15, 2015**. Defendants are advised they may file a motion to dismiss if Plaintiff fails to respond by this deadline, and Plaintiff is advised that failure to comply with this Order may result in the dismissal of this case.

IT IS SO ORDERED this 24th day of November 2015.

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