

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

BRYAN A. ARNOLD

PLAINTIFF

v.

Civil No. 4:14-cv-04130-SOH-BAB

JANA TALLANT, ET. AL.

DEFENDANTS

**ORDER**

Plaintiff proceeds in this 42 U.S.C. § 1983 action *pro se* and *in forma pauperis*. Plaintiff is currently not incarcerated. Currently before the Court is Defendants' Motion to Compel Answers to Discovery Requests. ECF No. 27.

On April 27, 2016, Defendants filed a Motion to Compel seeking an Order compelling Plaintiff to respond to Defendants' First Set of Interrogatories and Request for Production of Documents. ECF No. 27. In their Motion, Defendants state they first served the discovery requests on Plaintiff on September 15, 2015. On October 27, 2015, Defendant 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 returned as undeliverable. On March 17, 2016, Defendants sent a third request to Plaintiff. This request also informed Plaintiff that Defendants would file a motion to compel if he failed to respond. This request was not returned as undeliverable. Plaintiff has not responded. ECF No. 27.

Prior to the current Motion to Compel, Defendants filed a Notice of Returned Mail with the Court on November 12, 2015, which provided further detail on the mailings. ECF No. 21. In this Notice, Defendants indicate the September discovery request was sent to Plaintiff at the Arkansas Department of Correction ("ADC") North Central Unit. This request was not returned

as undeliverable. The October request was first sent to the ADC North Central Unit. This request was returned indicating Plaintiff was no longer incarcerated. The October request was then sent to the current address on record at 508 West 16th Street, Hope, AR, 71801. This request was returned as undeliverable. ECF No. 21.

Plaintiff's current address of record, 508 West 16th Street, Hope, AR, 71801 was entered based on a Motion to Supplement from Plaintiff filed on July 29, 2015. ECF No. 18. Plaintiff has not filed any further change of address with the Court, and orders sent to his address from the Court have not been returned as undeliverable. The Court entered an Order on February 16, 2016 permitting Plaintiff to supplement his Complaint. This Order was not returned as undeliverable. Nor were the other orders sent to this address returned as undeliverable. These orders include the Initial Scheduling Order entered on April 6, 2016, the Order denying appointment of counsel on January 29, 2016, and the Order permitting Mr. Windle to withdraw as an attorney on January 4, 2016. It therefore appears the only item returned as undeliverable from this address was the October discovery request from Defendants.

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. 27) is **GRANTED**. Plaintiff is **DIRECTED** to provide Defendants with the required responses to the discovery requests **by 5:00 p.m. on Thursday, May 19, 2016**. Plaintiff is advised that failure to comply with this Order may result in summary dismissal of this case.

**IT IS SO ORDERED this 28th day of April 2016.**

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