

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

KEITH D MOSES

PLAINTIFF

v.

Civil No. 4:15-cv-04002-SOH-BAB

OFFICER OLLER,
OFFICER CASSEY,
OFFICER DUNHAM, and
JAILER HANSON

DEFENDANTS

ORDER

Plaintiff, Keith D. Moses, submitted this *pro se* action for filing in the Eastern District of Arkansas on December 29, 2014. ECF No. 2. The case was properly transferred to this District on January 7, 2015. ECF No. 3. Currently before the Court are Plaintiff's Motion for Default Judgment against Defendant Dunham (ECF No. 17) and Motion to Compel Discovery (ECF No. 27)

A. Motion for Default Judgment

Defendant Dunham filed a Motion for Leave to File Answer Out of Time on August 13, 2014. ECF No. 22. This Motion was granted on August 14, 2015. ECF No. 24. Therefore Plaintiff's Motion for Default Judgment is **DENIED** as moot.

B. Motion to Compel

Plaintiff filed a Motion to Compel on September 10, 2015. This motion requests the Court to order Defendant Singleton¹ and Oller to fully answer his first set of Interrogatories and Request for Production of Documents. He alleges his discovery requests were submitted on June 3, 2015, and over seventy days have elapsed since that time. ECF No. 27.

Defendant Dunham filed a response to the motion on September 15, 2015. In his response,

¹Defendant Officer Cassey is identified as Officer Case Singleton in Defendants' Answer. ECF No. 12.

Defendant Dunham states he has no record of receiving these requests and sees no indication of any requests filed with the Court. He states he received the first set of discovery requests on September 9, 2015, and therefore had until October 9, 2015 to respond. ECF No. 28. Defendants Casey Singleton and Oller filed a response on October 8, 2015. They state they received the discovery requests in June, but they believe they were misplaced during a personnel change. They state they will forward all responses by October 14, 2015. ECF No. 29. Plaintiff has filed no further motions to compel and the Court presumes Defendants have complied with their discovery obligations.

Accordingly, Plaintiff's Motion to Compel is **DENIED** as moot.

Further, the Clerk is **DIRECTED** to change Defendant "Officer Cassey" to "Officer Casey Singleton."

IT IS SO ORDERED this 25th day of February 2016.

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