

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

JOSHUA TILLER

PLAINTIFF

v.

Civil No. 4:15-cv-04040

R. WISE, Health Service Administrator,
Correct Care Solutions (CCS);
DR. McALISTER, CCS; JANET MYERS, Health Service
Administrator, CCS; DR. VEIGEAS, CCS; and
CONNIE MASON, Health Service Administrator, CCS

DEFENDANTS

ORDER

Plaintiff has filed a motion for default judgment (ECF No. 49). Plaintiff maintains Defendants did not comply with a court order (ECF No. 41) directing them to treat a motion for issuance of a subpoena (ECF No. 35) as a request for the production of documents and to respond within thirty days of the date of entry, February 26, 2016, of the order. Plaintiff also asserts that the Defendants have not complied with the Court's initial scheduling order (ECF No. 34). Plaintiff asks the court to award him \$1,250,000 with interest at the rate of 10% to be computed quarterly.

Defendants indicate that on February 25, 2016, in response to the initial scheduling order, they mailed Plaintiff a copy of all medical grievances and sick call requests relevant to this case. There were no incident reports, photographs, videos, or written policies relevant to the allegations in the complaint.

On March 21, 2016, within the thirty days set forth in the order (ECF No. 41) they mailed Plaintiff the responses to a motion for issuance of a subpoena (ECF No. 36) that they were directed (ECF No. 41) to treat as a motion for the production of documents. Due to oversight, Defendants state they did not respond to the motion for issuance of a subpoena (ECF No. 35). Defendants

indicate they have now responded to the requests. They note that the Plaintiff did not contact them about the missing responses prior to filing the motion to compel. They ask that the motion for default judgment be denied as moot.

The motion for default judgment (ECF No. 49) is **DENIED**. Plaintiff failed to confer with the Defendants prior to filing the motion. Further, the responses have now been provided.

Next, Plaintiff has filed to a motion (ECF No. 55) asking the Court to find the warden/administrator of the Southwest Arkansas Community Center, Mr. Arnold, in contempt. Plaintiff maintains he disobeyed the writ of habeas corpus by having the Plaintiff transferred to the Arkansas Department of Correction. The motion (ECF No. 55) is **DENIED**. Plaintiff has been released from custody.

IT IS SO ORDERED this 16th day of September 2016.

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