

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

MARQUIS JERMANE GODBOLD

PLAINTIFF

v.

Civil No. 4:16-cv-04069

KRAIG REYNOLDS

DEFENDANT

**ORDER**

Plaintiff Marquis Jermane Godbold proceeds in this action *pro se* and *in forma pauperis* pursuant to 42 U.S.C. § 1983. Currently before the Court is Defendant's Motion to Compel. ECF No. 12.

In his Motion, Defendant states he first served Interrogatories and Requests for Production on Plaintiff on January 11, 2017. Defendant indicates the responses were due by February 13, 2017, and to date Plaintiff has not responded. Included at the end of Defendant's Motion to Compel is a Certificate of Conference which states: "This is to certify, that counsel attempted to confer with Pro Se Plaintiff Marquis Jermane Godbold, in an attempt to confer in good faith to obtain the discovery without Court action. However, counsel was unable to because Pro Se Plaintiff Marquis Jermane Godbold is an inmate at the Bi-State Detention Center and must, therefore, assume Pro Se Plaintiff Marquis Jermane Godbold does not agree with this motion." ECF No. 12.

Defendant has not attempted to confer with Plaintiff in an effort to obtain the discovery responses without court action as required by Federal Rule of Civil Procedure 37. Plaintiff's incarceration does not excuse Defendant from attempting to resolve the discovery dispute in good faith without court intervention by contacting him through written correspondence notifying him

of his failure to timely respond and giving him a deadline to respond prior to filing a motion to compel.

Accordingly, Defendants' Motion to Compel (ECF No. 12) is **DENIED**.

**IT IS SO ORDERED this 27th day of February 2017.**

/s/ *J. Marschewski*

HON. JAMES R. MARSCHEWSKI  
UNITED STATES MAGISTRATE JUDGE