

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

WILLIAM THOMPSON

PLAINTIFF

v.

Civil No. 07-5233

TIM HELDER, Sheriff,
Washington County, Arkansas;
RANDALL DENZER, Jail
Administrator, Washington
County Detention Center;
NURSE RHONDA BRADLEY;
and DEPUTY JAMES BERTORELLO

DEFENDANTS

ORDER

Currently pending before the court are the following motions: (1) a motion for an order directing defendants to identify certain individuals (Doc. 15) filed by the plaintiff; (2) a motion to compel (Doc. 19) filed by the plaintiff; (3) a motion to compel (Doc. 21) filed by the plaintiff; and (4) a motion for inspection or copies (Doc. 24) filed by the plaintiff.

Motion for Order Directing Defendants to Identify Certain Individuals (Doc. 15)

In this motion, plaintiff asks the court to direct defendants in responding to discovery requests to identify the officer who fingerprinted and photographed him on November 13, 2007. Plaintiff also asks the court to direct defendants to identify the male officer who escorted him to the release lobby on November 13, 2007. In exhibits attached to a response they filed on July 16, 2008 (Doc. 20), defendants attach a document showing they have identified both officers, James Bertorello and Frank Johnson. Accordingly, this motion (Doc. 15) is denied as moot.

Motion to Compel (Doc. 19)

In this motion, plaintiff states the defendants responded to some of his discovery requests but did not respond to all of his interrogatories. In response, defendants note that they responded on June 25th to one set of the discovery requests they received from the plaintiff but omitted to send him responses to a second set of discovery requests. On July 14th they state they forwarded to him all their interrogatory responses. The motion to compel (Doc. 19) is therefore denied as moot.

Motion to Compel (Doc. 21)

In this motion, plaintiff points out that defendants failed to respond to his discovery requests within thirty days of the date he served them on defendants' counsel. The interrogatories contain a certificate of service date of May 20th. The request that certain individuals be identified was filed on June 4th. Plaintiff contends defendants' objections to the interrogatories are untimely and are waived.

Defendants responded to the request that certain individuals be identified on June 25th. The responses to the interrogatories was not forwarded to the plaintiff until July 14th. Nurse Rhonda Bradley did not file an answer in this case until June 10th (Doc. 16). Several of the interrogatories were propounded to her. Defendants could not respond to the interrogatories until after Nurse Bradley had been served and answered the complaint. Defendants should have sought an extension of time to respond to the interrogatories. However, under the circumstances, the court cannot grant the motion to compel. The motion to compel (Doc. 21) is denied.

Motion for Inspection or Copies (Doc. 24)

Plaintiff has filed a motion requesting inspection or copies of the telephone log or service for November 13, 2007, and a copy of the surveillance video tape. This is actually a discovery request that should be treated as a request for production by defendants' counsel. The motion (Doc. 24) is denied. **Defendants' counsel is instructed to treat this motion as a discovery request and to respond to the motion within thirty days of the date it was filed.**

IT IS SO ORDERED this 2nd day of September 2008.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE