

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KENNETH E. WOOD, JR.,)
Plaintiff,)
v.) Civ. No. 14-476-SLR
SHIFT SERGEANT RUSSELL, et al.,)
Defendants.)

MEMORANDUM

1. **Introduction.** Plaintiff Kenneth E. Wood, Jr. ("plaintiff) an inmate at the James T. Vaughn Correctional Center ("VCC"), Smyrna, Delaware, filed this lawsuit pursuant to 42 U.S.C. § 1983 and Title II of the American with Disabilities Act, 42 U.S.C. § 12132. He proceeds pro se and has been granted leave to proceed in forma pauperis. Pending are several motions filed by plaintiff. (D.I. 90, 119, 120)

2. **Motion for an Order Compelling Discovery:** Plaintiff moves to compel responses to five requests for production of documents served upon defendants Sergeant Russell and Lieutenant Flint (together "State defendants") on January 22, 2016 (second request) (D.I. 60) and February 26, 2016 (third request) (D.I. 75). (D.I. 119) State defendants responded on April 7 and 8, 2016 and stated that, as to Request Nos. 1, 3, 4, and 5, they either had no documents responsive to the requests or they did not have custody or control of the information.¹ (D.I. 80, 81)

¹State defendants ultimately provided documents responsive to Request Nos. 3 and 4, said requests seeking housing information for plaintiff and another inmate. (See D.I. 98, D.I. 103)

3. Request No. 2 sought the complete policy of the Delaware Department of Correction, effective June 29, 2015. State defendants objected on the grounds that the request is overly broad and unduly burdensome. The objection is sustained. The court finds that State defendants have adequately responded to plaintiff's discovery requests. Therefore, the motion to compel will be denied.

4. **Motion to Schedule a Pretrial Conference.** Plaintiff moves for the scheduling of a pretrial conference on the grounds that defendants did not file dispositive motions on or before February 21, 2017, the deadline to do so. (D.I. 105) The court docket reflects that defendants timely filed their motions for summary judgment on February 21, 2017. (See D.I. 111, 117). Therefore, the court will deny the motion.

5. **Motion to Extend Time to Respond to Motions for Summary Judgment.** Plaintiff moves to extend time to respond to defendants' motions for summary judgment. (D.I. 120) The motion is moot, plaintiff having filed his response at docket item 124. Therefore, the court will deny the motion.

6. **Conclusion.** For the above reasons, the court will: (1) deny the motion to compel and the motion to schedule a pretrial conference (D.I. 90, 119); and (2) deny as moot the motion for an extension of time to respond to defendants' motions for summary judgment (D.I. 120). A separate order shall issue.

Dated: March 28, 2017



Sue L. Robinson
Senior United States District Judge