

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

NATHANIEL RAY ALLEN,  
individually

Plaintiff,

v.

Case No: 2:16-cv-800-FtM-38CM

CITY OF FORT MYERS,  
DOUGLAS BAKER, JACQUELYN  
GARRETT and AUDENIA  
THOMAS,

Defendants.

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**ORDER**

This matter comes before the Court upon review of Defendants' Amended Motion to Compel First Request to Produce Documents Directed to Plaintiff (Doc. 39) filed on May 1, 2017. On May 17, 2017, Plaintiff filed a response in opposition.

Defendants Jacqueline Garrett and Audenia Thomas (collectively "Defendants") request a court order compelling Plaintiff to respond to their First Request for Production of Documents and Things that they served on January 18, 2017. Doc. 39 at 1. Defendants claim that as of May 1, 2017, Plaintiff has failed to respond to the discovery requests or ask for additional time. *Id.* Plaintiff responds that he "does not object to responding to the Request to Produce and does not object to producing the documents and other items requested that are in his possession or control, he simply needs additional time to produce same." Doc. 40 at 3. Due to Plaintiff's lack of objection, the motion is due to be granted.

Going forward, the Court reminds the parties that they must comply with the Middle District of Florida Local Rules and the Federal Rules of Civil Procedure when filing any motions and responses for the Court's consideration. Here, Defendants' motion fails to comply with Local Rules 3.01(a), 3.04(a), and arguably Local Rule 3.01(g) and Federal Rule of Civil Procedure 37(a)(1). M.D. Fla. R. 3.01(a), 3.04(a), 3.01(g); Fed. R. Civ. P. 37(a)(1). Plaintiff's response fails to comply with Local Rule 3.01(b) in that it was untimely filed. Effective December 1, 2016, Federal Rule of Civil Procedure Rule 6(d) was amended to remove service by electronic means under Rule 5(b)(2)(E) from the modes of service that allow 3 added days to act after being served.

ACCORDINGLY, it is hereby

**ORDERED:**

Defendant's Amended Motion to Compel First Request to Produce Documents Directed to Plaintiff (Doc. 39) is **GRANTED** in that Plaintiff shall have **up to and including June 26, 2017** to respond to Defendant's [sic] First Request for Production of Documents and Things (Doc. 39 at 4-7).

**DONE** and **ORDERED** in Fort Myers, Florida on this 13th day of June, 2017.

  
CAROL MIRANDO  
United States Magistrate Judge

Copies:  
Counsel of record