

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

IVAN HARVEY,

Plaintiff,

vs.

CASE NO. 5:08CV339-RH/AK

ART TEAL,

Defendants.

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ORDER

Presently before the Court are the following motions: Plaintiff's Motion for Extension of Time to File Response to Motion for Summary Judgment (doc. 70); Plaintiff's Motion for Extension of Time to Complete Discovery (doc. 71); and Plaintiff's Motion for Subpoena.

In the Case Management Order entered on April 16, 2009, discovery was granted through July 15, 2009. (Doc. 34). Defendant filed his motion for summary judgment on April 16, 2009, (doc. 35), with a number of medical records and additional evidentiary material attached. (See Doc. 35). It appears from the docket sheet that Plaintiff has engaged in discovery and served a number of interrogatories and requests for documents. (See Docs. 40, 46, 59, 60). The Court has also requested assistance from the Florida DOC in obtaining responses from inmate witnesses to Plaintiff's questions, which Plaintiff claims he has not received.

The Court appreciates Plaintiff's difficulties in engaging in discovery, but it is not an open ended process and he must be clear about what discovery he needs and get it done within the deadlines set. Plaintiff indicates that additional interrogatories are intended after he receives a response to his first set. This is not how it works. Plaintiff should have organized his discovery efforts and serve all the discovery he intends to serve so that it is **completed** by July 15, 2009.

Therefore, the Court will reserve a ruling on Plaintiff's motion for discovery (doc. 71) and the additional time to respond to the summary judgment motion (doc. 70) and herein directs him to file a Supplement to the motion and set out specifically what discovery he seeks to serve, why it was not served earlier, and how long it would take him to complete this. Without good cause for his delay, he will not be allowed to serve additional discovery. Plaintiff should also utilize the medical records provided by the Defendants and attached to their motion covering the relevant time period, unless he can show that there are other medical records necessary to his case which were not included in the materials provided by the Defendants.

Also, the Court requests that the Defendant respond to the Supplement addressing what issues Plaintiff has with regard to discovery responses not received.

Finally, Plaintiff's Motion for Subpoena (doc. 72) is **DENIED**. Plaintiff has not indicated what he wants the subpoenas for and has not indicated that he is able to pay service costs or witness fees, if necessary.

Accordingly, it is

ORDERED:

No. 5:08cv339-RH/AK

1. The Court will reserve a ruling on Plaintiff's Motion for Extension of time to respond to the summary judgment motion (doc. 70) and Plaintiff's Motion to Extend Discovery (doc. 71) until after Plaintiff files a Supplement as described above, which he shall file on or before **August 14, 2009**.

2. Defendants shall respond to Plaintiff's Supplement to his motion for extension of time to complete discovery (doc. 71) and address his issues of failure to respond to discovery **within fourteen days** of service of the Supplement.

2. Plaintiff's Motion for Subpoena (doc. 72) is **DENIED**.

DONE AND ORDERED this 30th day of July, 2009.

s/ A Kornblum
ALLAN KORNBLUM
UNITED STATES MAGISTRATE JUDGE