

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 01-06407-CIV-GRAHAM/GOODMAN

UNITED STATES OF AMERICA,

Plaintiff,
v.

KATHRYN E. CONLEY,

Defendant.

ORDER GRANTING MOTION TO COMPEL

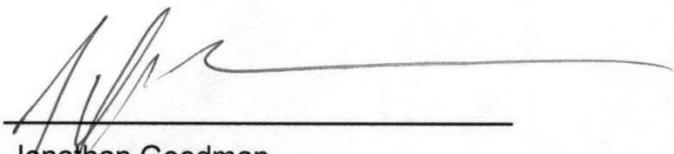
THIS CAUSE is before the Undersigned on the government's Motion to Compel Response to Plaintiff's First Request for Production in Aid of Execution. [ECF No. 5]. On December 1, 2011, the government served Defendant with requests for production and interrogatories, but Defendant did not respond. The government filed its motion to compel on January 30, 2012, and Plaintiff (again) did not respond. On February 21, 2012, the Undersigned set a hearing on the motion to compel for February 29, 2012. [ECF No. 8]. The Court mailed a copy of the order to Defendant's address, but Defendant did not subsequently file a response to the government's motion or appear at the hearing (which was held as scheduled).

After reviewing the motion and taking argument from the government during the hearing, the Undersigned concludes that there is good cause to grant the motion to compel. Consequently, it is hereby **ORDERED** and **ADJUGED** that the motion is **GRANTED** and Defendant shall serve responses to the discovery requests within 20 days of today's date.

However, the Undersigned declines to award attorneys fees and costs at this juncture. Defendant is proceeding *pro se* and, at the hearing, the government acknowledged that it cannot confirm the Defendant ever received the motion to compel. The government explained that it did not serve the motion, for example, by certified mail or courier, and therefore has no written evidence of receipt. Instead, the government merely *assumes* the Defendant received the discovery and the motion to compel because the Postal Service never returned the mail sent to an address for Defendant that the government's counsel obtained from a Westlaw database.

To that end, it is further **ORDERED** and **ADJUDGED** that the government shall serve a copy of this order, along with an additional copy of its requests for production and interrogatories, on Plaintiff by no later than Monday, March 5, 2012. The Undersigned does not require any particular method of service. Nonetheless, the Court expects that the government will use a method of service that demonstrates whether Defendant herself actually receives the order and discovery requests.

DONE AND ORDERED, in Chambers, in Miami, Florida, this 29th day of February, 2012.



Jonathan Goodman
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

The Honorable Donald Graham;
All counsel of record;
Kathryn E. Conley, *pro se*
210 16th Street
Fort Lauderdale, Florida 33304-1045.