

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

DAVID CHAPMAN,	:	
	:	
Plaintiff	:	
	:	
VS.	:	
	:	
NEWPORT CIGARETTE CO., <i>et al.</i> ,	:	NO. 5:06-CV-31(WDO)
	:	
Defendants	:	<b><u>ORDER</u></b>

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Plaintiff **DAVID CHAPMAN** filed this action in what appears to be a tort claim against the Defendants alleging the Defendants are liable for his throat cancer. Plaintiff also seeks to proceed *in forma pauperis*. As it appears that plaintiff is unable to pay the cost of commencing this action or United States Marshal service fees, plaintiff's application to proceed *in forma pauperis* is hereby **GRANTED**. A copy of the complaint shall be served by the United States Marshal at this time.

Plaintiff is advised that he must serve upon opposing counsel (or the defendants if they are not represented by counsel) copies of all motions, pleadings, discovery, and correspondence (including letters to the Clerk or to a judge) which are filed with the Clerk of the Court. Fed. R. Civ. P. 5(a). Plaintiff shall include with any paper which is filed with the Clerk of the Court a certificate stating the date on which a true and correct copy of that paper was mailed to defendants or their counsel. The Clerk of the Court will not serve or forward to the defendants or their counsel copies of any materials filed with the Court.

In addition, the following limitations are imposed on discovery: except with written permission of the court first obtained, (1) interrogatories may not exceed twenty-five to each party (Local Rule 33.1); (2) requests for production of documents and things under Rule 34 of the Federal

Rules of Civil Procedure may not exceed ten requests to each party (Local Rule 34); and (3) requests for admissions under Rule 36 of the Federal Rules of Civil Procedure may not exceed fifteen requests to each party (Local Rule 36).

28 U.S.C. § 636(c)(1) authorizes and empowers full-time magistrate judges to conduct any and all proceedings in a jury or nonjury civil matter and to order the entry of judgment in a case upon the written consent of the parties. If the parties desire for the United States Magistrate Judge to hear this case through trial and the entry of judgment, they may complete and return consent forms that will be mailed by the Clerk of the Court.

Plaintiff has the responsibility for diligently prosecuting his complaint or face the possibility that it will be dismissed under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute.

Plaintiff is required to keep the Clerk of Court advised of his current address at all times during the pendency of this action. Failure to promptly advise the Clerk of any change of address may result in the dismissal of plaintiff's complaint.

**SO ORDERED**, this 26<sup>th</sup> day of April, 2006.

**S/  
WILBUR D. OWENS, JR.  
UNITED STATES DISTRICT JUDGE**