

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MICHAEL COOPER #R06824,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 08-cv-742-MJR-SCW
	)	
JOHN EVANS, Warden, Big Muddy C.C.,	)	
and BARB COOKSEY, Food Supervisor,	)	
Big Muddy C.C.,	)	
	)	
Defendants.		

MEMORANDUM AND ORDER

WILLIAMS, Magistrate Judge:

Now before the Court is Plaintiff's Motion for Courts to Compel Defendants to Cooperate in Discovery (Doc. 96). Specifically, Plaintiff states that he mailed several discovery requests, including his first request for interrogatories, first request for production of documents, and first request for admissions, on October 7, 2010 and Defendants have not yet filed a response. Plaintiff requests that this Court order Defendants to comply and respond to his discovery requests and refrain from deliberately denying Plaintiff discovery. Defendants respond that they sought an extension of time to complete discovery and have sent their answers to Plaintiff's interrogatories (Doc. 97).

Under FEDERAL RULE OF CIVIL PROCEDURE 33(b)(1), interrogatories must be answered by the parties to whom they are directed. Further, a party must answer each interrogatory, to the extent that the party does not object to it. FED.R.CIV.P. 33(b)(3) & (4).

As to requests for production, **FED.R.CIV.P. 34(a)(1)** requires a responding party to provide documents in “the responding party’s possession, custody, or control.” A responding party must submit its response within thirty days of the service of the written request or state an objection to the request. **FED.R.CIV.P. 34(b)(2)(A) & (B)**. As to requests for admissions, a responding party must provide a written answer or objection within thirty days. *See* **FED.R.CIV.P. 36(a)(3)**.

Here, Plaintiff argues that he submitted his requests on October 7, 2010. Plaintiff filed his motion to compel on November 22, 2010. However, on November 19, 2010 Defendants sought additional time in which to file their response to Plaintiff’s request for interrogatories, production of documents, and request for admissions. On December 3, 2010, Magistrate Judge Proud granted Defendants’ motion, allowing Defendants additional time in which to file their responses. Therefore, this Court **DENIES** Plaintiff’s motion to compel (Doc. 96) as Defendants were given additional time in which to file those responses.

**IT IS SO ORDERED.**

DATED: January 7, 2011

/s/Stephen C. Williams  
STEPHEN C. WILLIAMS  
United States Magistrate Judge