

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

GEORGE L. BARNES,

Plaintiff,

v.

MICHAEL PEEBLES,  
*Centralia Police Officer, et al.,*

Defendants.

Case No. 08-cv-797-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on Defendant Robert Demitra’s Motion for Reconsideration (Doc. 74) and Defendants Sergeant James and Michael Peebles’ Motion for Reconsideration (Doc. 75), which the Court previously construed as objections to Magistrate Judge Clifford J. Proud’s Order (Doc. 73) of August 18, 2010. Doc. 78. Specifically, Defendants argue that Magistrate Judge Proud should have granted their Motions for Sanctions (Docs. 69, 70) because Plaintiff George Barnes did not tender responses to interrogatories as previously ordered. Assuming sanctions are appropriate, Defendants ask that the Court dismiss this case with prejudice.

A district court reviewing a magistrate judge’s decision on dispositive issues must review *de novo* the portions of the decision to which objections are made. S.D. Ill. L. R. 73.1(b). Here, it can hardly be said that the order of Magistrate Judge Proud was wrong on its face. In responding to Defendants’ requests for sanctions, Barnes stated that he had “complied [sic] with ALL [discovery] request [sic] by Defendants” and that he had “fully answered ALL Defendants [sic] request’s [sic] . . . .” Doc. 71, p. 1, 2 (emphases in original). When Defendants did not reply to these quite-clear assertions, Magistrate Judge Proud justifiably assumed that Defendants

were satisfied with their veracity. Nevertheless, the fact that Defendants have since alleged these assertions to be untrue certainly warrants an explanation from Barnes.

For the foregoing reasons, the Court **ORDERS** Barnes to **SHOW CAUSE** why he has not tendered the requested interrogatory responses by **February 11, 2011**, *and* to mail said responses to defense counsel by that date. If Barnes does not provide good cause for his failure to produce the interrogatory responses or if he does not sufficiently explain why his response to the sanctions motions was somewhat untrue, the Court can and will entertain motions for serious sanctions. The Court **DENIES** Defendants' Motions for Reconsideration (Docs. 74, 75).

**IT IS SO ORDERED**  
**DATED: January 26, 2011**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**