

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

JOE CHAMPS,

Plaintiff,

v.

**Dr. MARVIN POWERS, and
TERRY CALIPER,**

Defendants.

)
)
)
)
)
)
)
)
)
)
)

Civil No. **09-379-MJR-CJP**

ORDER

PROUD, Magistrate Judge:

Before the Court is plaintiff’s Motion to Compel. (**Doc. 49**). Defendant Powers filed a response at **Doc. 51**, and defendant Caliper filed a response at **Doc. 54**.

Plaintiff’s motion states that defendants have not responded to his discovery requests. However, in their responses, both defendants state that they did mail their responses, and it appears that the motion and the discovery responses crossed in the mail.

The Court notes that plaintiff filed a “reply” at **Doc. 55**. This pleading is not a proper reply because it raises a new issue. Because defendants cannot respond to this pleading, the Court will not rule on same. If plaintiff wants the Court to rule on the issue raised in **Doc. 55**, he must raise it in a new motion so that defendants have an opportunity to respond.

Plaintiff’s Motion to Compel (**Doc. 49**) is **DENIED as moot**.

IT IS SO ORDERED.

DATE: July 12, 2010.

s/ Clifford J. Proud
CLIFFORD J. PROUD
U.S. MAGISTRATE JUDGE