

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

WILLIAM SMITH,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:10-cv-721-GPM-DGW
)	
OFFICER GALE and OFFICER HULL,)	
)	
Defendants.)	
)	
)	
)	

ORDER

Now pending before the Court is a Motion to Compel Discovery filed by *pro se* Plaintiff William Smith (Doc. 39). For the reasons set forth below, the motion is **GRANTED**.

Upon the filing of answers by Defendants Gale and Hull raising the affirmative defense that Plaintiff failed to exhaust his administrative remedies prior to filing suit, the Court entered a scheduling order setting a hearing on the issue of exhaustion for February 2, 2012 (Doc. 32). The scheduling order instructed the defendants to serve upon plaintiff copies of all documents relevant to the issue of exhaustion. The scheduling order further instructed the parties not to conduct discovery on the merits of the case until the question of exhaustion had been resolved. On November 21, 2011, Defendants filed a motion asking the Court to enter an order staying discovery unrelated to exhaustion. Defendants indicated that they had received discovery requests from Plaintiff regarding the merits of the underlying claims. The Court granted the motion for stay and reiterated its prohibition of discovery unrelated to exhaustion (Doc. 37).

Plaintiff now asks the Court to order Defendants to respond to his interrogatories regarding exhaustion. The Court has reviewed the requests and determines that the interrogatories are

related to the exhaustion process, thus they are exempt from the stay, which applies only to discovery on the merits of the underlying claims. Accordingly, Plaintiff's Motion to Compel is **GRANTED**. Defendants Gale and Hull shall provide answers to Plaintiff's interrogatories by **January 6, 2012**.

DATED: December 8, 2011



DONALD G. WILKERSON
United States Magistrate Judge