

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

BERNON L. HOWERY,)
)
 Plaintiff,)
)
 v.)
)
 DR. SHEARING and MENARD WARDEN,)
)
 Defendants.)

Case No. 3:14-cv-1134-NJR-DGW

ORDER

WILKERSON, Magistrate Judge:

Now pending before the Court are a number of motions:

1. "Plaintiff's Request for Status of Defendant's Motion for Summary Judgment" (Doc. 35) is **MOOT**. This document is merely a response to the Motions for Summary Judgment (Docs. 26 and 29) and the Clerk of Court is **DIRECTED** to so modify the docket sheet.
2. The "Motion for an Order Compelling Answers to All Interrogatories" directed to Dr. Shearing (Doc. 36) is **DENIED WITHOUT PREJUDICE**. Defendants are not required to respond to discovery on the merits until the issue of exhaustion of administrative remedies has been resolved by the District Court. Once that issue has been resolved, Defendants shall have thirty (30) days to respond to any outstanding discovery requests. If, after that time period has elapsed, Defendants do not respond consistent with the Federal Rules of Civil Procedure, Plaintiff may refile this motion.
3. The Motions to Compel directed to Defendant Menard Warden (i.e. Kimberly Butler) (Docs. 37 and 38) are **DENIED WITHOUT PREJUDICE**. Defendant indicates that through inadvertence, or because they did not receive the requests, they did not respond to Plaintiff's interrogatories or requests to produce. Some of the interrogatories and requests to produce

concern exhaustion of administrative remedies. In light of this Court's Report and Recommendation, such requests are now **MOOT**. To the extent that Defendants have not responded to other interrogatories and requests to produce concerning the merits, they shall do so within thirty (30) days of the District Court's ruling on the issue of exhaustion.

4. Finally, Plaintiff seeks recruitment of counsel (Doc. 40). The Motion is **DENIED WITHOUT PREJUDICE**. The Clerk of Court shall send to Plaintiff the Form "Motion for Recruitment of Counsel" which Plaintiff shall fill out and submit to the Court for review. Plaintiff should pay particular attention to that portion of the form which inquires as to what steps he has taken to acquire counsel without Court assistance. Plaintiff shall attach to his motion letters that he has sent to at least three (3) attorneys seeking representation and any responses he may receive.

IT IS SO ORDERED.

DATED: March 2, 2016

The image shows a handwritten signature in blue ink that reads "Donald G. Wilkerson". The signature is written over a circular official seal. The seal features an eagle with wings spread, perched on a shield with vertical stripes, and a constellation of stars above its head. The text around the seal reads "UNITED STATES DISTRICT COURT" at the top and "SOUTHERN DISTRICT OF ILLINOIS" at the bottom.

DONALD G. WILKERSON
United States Magistrate Judge