

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

VICTOR R. BURTON,)
Plaintiff,)
v.) Case No. 1:10CV165 SNLJ
BRYAN HOSKINS, et al.,)
Defendants.)

Doc. 71

Burton v. Hoskins et al

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's Motion for Issuance of Summons (#68) and Motion for Leave to File Additional Written Interrogatories (#64). Defendants have not responded to either motion, and the time for doing so has passed.

I. Motion for Issuance of Summons (#68)

Plaintiff filed his amended complaint on April 22, 2013. In that amended complaint, plaintiff named four defendants who had not already been served with process in this case: Tammi Martinez, Felicia Dodge, Heather Annesser, and Amanda Hill. However, defendants Dodge, Annesser, and Hill had been previously dismissed without prejudice by this Court for plaintiff's failure to serve them with process. (See Orders, Documents #28 and #62.) Plaintiff may not now add them back to this matter by re-naming them as defendants in this matter.

As for plaintiff's addition of defendant Tammi Martinez, plaintiff's claims survive review under 28 U.S.C. § 1915(e)(2)(B), and the clerk shall be directed to issue process or cause process to be issued on that defendant.

II. Motion for Leave to File Additional Written Interrogatories (#64)

Next, on April 22, 2013, plaintiff sought leave to serve additional written interrogatories on defendants. In the Court's April 2, 2013 memorandum and order (#62), the plaintiff was given until April 23, 2013 by which to serve his last set of interrogatories on defendants. It appears the plaintiff filed these interrogatories in error, as discovery requests are not filed with the Court. Defendants have apparently been served with the interrogatories. The motion is denied as moot.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's Motion for Issuance of Summons (#68) is GRANTED in part and DENIED in part;

IT IS FURTHER ORDERED that the Clerk of Court shall issue process or cause process to be issued on defendant Tammi Martinez;

IT IS FINALLY ORDERED that plaintiff's Motion for Leave to File Additional Written Interrogatories (#64) is DENIED as moot.

Dated this 24th day of June, 2013.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE