

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

ANDREW CIESLA,	)	
	)	
Plaintiff,	)	
	)	Case No. 1:14CV00165 ACL
vs.	)	
	)	
TROOPER C.B. CHRISTIAN, et al.,	)	
	)	
Defendants.	)	
	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff’s Complaint against Defendants Trooper Christopher Christian, Officer D. McDaniel, Pemiscot County, Missouri, and City of Hayti, Missouri, alleging violations of his constitutional rights under 42 U.S.C. § 1983, and a Missouri state law claim for malicious prosecution. The parties have consented to the jurisdiction of the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c)(1).

Presently pending before the Court is Defendant Christian’s Motion to Compel. (Doc. 28.) Plaintiff has not responded to Defendant’s Motion and the time for doing so has expired.

In his Motion, Defendant states that he served Plaintiff with Interrogatories and Requests for production on June 9, 2015. (Def’s Exs. A, B.) Defendant notes that Plaintiff’s responses were due on July 13, 2015, pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure. Defendant states that, to date, Plaintiff has failed to respond to those Interrogatories and Requests for Production. Defendant states that he contacted counsel for Plaintiff via email on July 30, 2015, and via telephone on August 4, 2015, to discuss Plaintiff’s failure to respond to the discovery requests, but counsel for Plaintiff has not responded to either of those

communications. Counsel for Defendant certifies that he has in good faith attempted to confer with Plaintiff in an effort to obtain responses to the Interrogatories and Requests for Production without court action. Defendant requests that the Court enter an Order compelling discovery responses pursuant to Rule 37(a).

Rule 37(a)(3)(B) allows a party seeking discovery to move for an order compelling an answer or production. Any motion concerning discovery, such as a motion to compel, must comply with Local Rule 3.04(A) and Federal Rule of Civil Procedure 37(a)(1). These rules require that a discovery motion include a statement of a good-faith attempt to resolve the discovery dispute prior to the filing of the motion. Defendant's Motion contains such a statement. (Doc. 28, ¶ 6.)

The Court will grant Defendant's Motion to Compel and will direct Plaintiff to answer Defendant's Interrogatories and respond fully to Defendant's Requests for Production. Plaintiff is cautioned that his failure to obey this Order could result in the imposition of sanctions pursuant to Rule 37(d,) including the dismissal of his case with prejudice.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant Christian's Motion to Compel (Doc. 28) is **granted**.

**IT IS FURTHER ORDERED** that Plaintiff shall answer Defendant Christian's Interrogatories and fully respond to Defendant Christian's Requests for Production no later than **August 24, 2015**. Plaintiff's failure to comply with this Order could result in the imposition of sanctions pursuant to Rule 37(d).

/s/ Abbie Crites-Leoni  
ABBIE CRITES-LEONI  
UNITED STATES MAGISTRATE JUDGE

Dated this 17th day of August, 2015.