

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

BILLY HATFIELD., )  
 )  
 Plaintiff, )  
 )  
 vs. ) Case No. 4:14 CV 1820 RWS  
 )  
 MISSOURI DEPT. OF CORRECTIONS, )  
 et al., )  
 )  
 Defendants. )

**MEMORANDUM AND ORDER**

This matter is before me on defendants’ motion to dismiss plaintiff’s case for failure to comply with my September 4, 2015, Order granting their motion to compel. Under that Order, plaintiff was to provide his discovery responses by September 14, 2015. Now, a mere four days later, defendants demand that I dismiss plaintiff’s case because they have not received his discovery responses yet. Plaintiff is an inmate and must rely on the prison mail system for delivery of his pleadings, including discovery responses. It is entirely likely that plaintiff has complied with my Order by depositing his responses in the prison mail system by September 14, 2015, but they have not been delivered to defendants yet. For this reason, the motion will be denied without prejudice to being refiled no *sooner* than September 25, 2015, if defendants have not received plaintiff’s discovery responses by that date.

Accordingly,

**IT IS HEREBY ORDERED** that the docket text order granting this motion [36] is **VACATED**.

**IT IS FURTHER ORDERED** that defendants' motion to dismiss [35] is denied without prejudice to being refiled, if necessary, **no sooner than September 25, 2015.**

  
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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 18<sup>th</sup> day of September, 2015.