

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

PAVON EMILIO,	)	4:13CV3073
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES, and	)	
FRED BRITTEN, Warden,	)	
	)	
Defendants.	)	

This matter is before the court on Plaintiff's request for an order compelling discovery (Filing No. [59](#)) and Defendant's objection to the motion (Filing No. [60](#)). The parties dispute whether Plaintiff's request for production of documents was filed by the deadline established by the court in its progression order dated November 19, 2014.

The progression order entered in this case required the parties to serve all interrogatories, requests for admission, and requests for production or inspection on or before December 19, 2014. Plaintiff placed his request for production of documents in the prison mail system on December 18, 2014. (*See* Filing No. [61](#).) However, Defendant did not receive the request until December 29, 2014. (*See* Filing No. [60](#).) Because Plaintiff substantially complied with the court's order requiring him to file requests for production by December 19, 2014, Defendant will be ordered to respond to Plaintiff's request for production of documents.

IT IS ORDERED:

1. Plaintiff's request for an order compelling discovery (Filing No. [59](#)) is granted only to the extent it is consistent with the relief provided in this order.

2. Defendant must respond to Plaintiff's request for production of documents by January 29, 2015.

3. Defendant's objection (Filing No. [60](#)) to Plaintiff's motion to compel is overruled.

DATED this 15<sup>th</sup> day of January, 2015.

BY THE COURT:

*Richard G. Kopf*

Senior United States District Judge

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