

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

|                              |   |                             |
|------------------------------|---|-----------------------------|
| JACOB THOMPSON,              | : | CIV. NO. 20-12454 (RMB-MJS) |
|                              | : |                             |
| Plaintiff                    | : |                             |
|                              | : |                             |
| v.                           | : | <b>MEMORANDUM AND ORDER</b> |
|                              | : |                             |
| WARDEN RICHARD T. SMITH,     | : |                             |
| AND ASSISTANT WARDEN CHARLES | : |                             |
| WARREN,                      | : |                             |
|                              | : |                             |
| Defendants                   | : |                             |

This matter comes before the Court upon Defendants' motion to dismiss Plaintiff's pro se prisoner civil rights complaint for lack of prosecution under Federal Rule of Civil Procedure 41(b). (Mot. to Dismiss, Dkt. No. 19.) Federal Rule of Civil Procedure 41(b) provides:

(b) Involuntary Dismissal; Effect. If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule--except one for lack of jurisdiction, improper venue, or failure to join a party under Rule 19--operates as an adjudication on the merits.

Defendants submitted a Certification of Counsel by James R. Birchmeier, Esq., who certifies that Defendants served discovery requests, Interrogatories and a Notice to Produce, on Plaintiff on December 26, 2020. (Certification of Counsel, Dkt. No. 19-1;

Exhibits, Dkt. No. 19-2.) After Plaintiff failed to respond to their requests for discovery, Defendants served a reminder letter on Plaintiff on April 8, 2021, notifying Plaintiff that his failure to respond would cause Defendants to file a motion to dismiss for failure to prosecute. (Id.)

Plaintiff, acting pro so, is a pretrial detainee confined in the Cumberland County Jail in Bridgeton, New Jersey. Plaintiff submitted a letter to the Court in this matter (Letter, Dkt. No. 18), which was received on April 26, 2021. In his letter, Plaintiff acknowledges Defendants' discovery requests. He requests that the Court respond to the discovery requests by submitting copies to Defendants of Plaintiff's submissions to the Court.

All documents the Court has received from Plaintiff in this matter have been filed on the Court's electronic case management filing system, CM/ECF. However, it is Plaintiff's obligation to respond directly to Defendants' discovery requests, and his submissions to this Court do not satisfy his obligations. See Federal Rules of Civil Procedure 26(g)(1), 33(b), 34(b)(2). Because Plaintiff is proceeding pro se and appears to be unfamiliar with the discovery procedures, the Court will deny without prejudice Defendant's motion to dismiss for failure to prosecute. If Plaintiff does not provide his discovery responses to Defendants within 30 days from the date of this Order, Defendants may renew

their motion to dismiss for lack of prosecution under Federal Rule of Civil Procedure 41(b).

**IT IS** therefore on this **15th day of July 2021,**

**ORDERED** that Defendants' motion to dismiss for lack of prosecution (Dkt. No. 19) is **DENIED** without prejudice; and it is further

**ORDERED** that the Clerk shall serve a copy of this Order on Plaintiff by regular U.S. mail.

s/Renée Marie Bumb

**RENÉE MARIE BUMB**

**United States District Judge**