IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

RICK McCONNELL,

Plaintiff,

v. 1:15-cv-01094 JCH-LF

THE GEO GROUP, INC., et. al.

Defendants.

ORDER DENYING MOTION TO COMPEL WITHOUT PREJUDICE

THIS MATTER comes before the Court on defendant The GEO Group, Inc.'s ("GEO") motion to compel plaintiff Rick McConnell to respond to its first set of requests for production. Doc. 64. Plaintiff filed a response to the motion (Doc. 65), and GEO filed a notice of completion of briefing without filing a reply (Doc. 66). Having read the parties' submissions and being fully advised in the premises, the Court finds that GEO's motion is not well taken at this time and denies it without prejudice.

GEO served McConnell with requests for production on September 22, 2016. Doc. 52. Five days later, on September 27, 2016, defendants James Rigdon, John Sanchez, Anthony Romero, Joseph Garcia, and Kimber Bonilla ("State Defendants") filed a motion to dismiss based on qualified immunity (Doc. 53), and a corresponding motion to stay discovery (Doc. 54). The State Defendants noted that McConnell opposed the stay of discovery. Doc. 54 at 1. McConnell's responses to GEO's discovery requests were due on October 25, 2016, but no responses were forthcoming, and McConnell did not seek an extension of time to respond or a protective order. Doc. 64 at 1–2. After the motion to stay was fully briefed, the Court issued its order staying discovery on November 7, 2016, pending a determination of the State Defendants' motion to dismiss. Doc. 63. On November 9, 2016—two days after the stay was in place—GEO

filed the instant motion to compel.

In its motion, GEO argues that McConnell should be compelled to respond because his responses were due prior to the Court staying the case. Doc. 64 at 2. McConnell argues that he should not have to respond to the discovery requests because judicial efficiency and economy are not served by requiring him to respond while the motion to stay was pending. Doc. 65 at 2.

Trial courts have broad discretion in managing discovery matters and are subject to review only for abuse of discretion. *S.E.C. v. Merrill Scott & Assocs., Ltd.*, 600 F.3d 1262, 1271 (10th Cir. 2010). The Court will not address the merits of GEO's motion to compel at this time because discovery is stayed. The Court will address any discovery issues once the stay is lifted.

IT IS THEREFORE ORDERED that defendant The GEO Group, Inc.'s motion to compel plaintiff Rick McConnell to respond to its first set of requests for production (Doc. 64) is denied without prejudice. The GEO Group, Inc., may resubmit its motion, if necessary, once the stay is lifted.

Laura Fashing
United States Magistrate Judge