

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Dennis James Gaede,)
)
Plaintiff,)
)
vs.)
)
James To Podrebarac, Leann Bersch,)
Warren Emmer, Tim Schuetzle, and)
Kathy Bachmeier,)
)
Defendants.)

**ORDER DENYING PLAINTIFF’S
MOTION TO COMPEL DISCOVERY
WITHOUT PREJUDICE**

Case No. 1:10-cv-070

On July 27, 2011, plaintiff filed a Motion for Discovery. He seeks an order from the court compelling defendants to respond to interrogatories and production requests that are attached to his motion.

On August 3, 2011, defendants filed a response to plaintiff’s motion. They advise the court that they were not previously served with plaintiff’s discovery requests. They further indicated that they intend to respond to plaintiff’s discovery requests in accordance with the applicable procedural rules.

Consequently, plaintiff’s motion to compel appears to be premature. Defendants only recently received plaintiffs’ discovery requests and have indicated that they are in the process of formulating their responses. Accordingly, plaintiff’s motion (Docket No. 21) is **DENIED** without prejudice.

IT IS SO ORDERED.

Dated this 24th day of August, 2011.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court