

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT COLUMBUS**

MILOUS BROWN,

Plaintiff,

:

Case No. 2:19-cv-2425

- vs -

District Judge Michael H. Watson

Magistrate Judge Michael R. Merz

DAVID GRAY, WARDEN,

Belmont Correctional Institution, et al.,

Defendants.

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**DECISION AND ORDER DENYING MOTION TO COMPEL  
WITHOUT PREJUDICE**

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This civil rights case is before the Court on Plaintiff's to Compel (ECF No. 56). In it Plaintiff seeks to compel answers to interrogatories and production of documents. However, the Motion does not include copies of any interrogatories or requests for the production of documents and does not show when any such interrogatories or requests for documents were served on Defendants' counsel.

Moreover, when this case was assigned to her, Magistrate Judge Jolson set a discovery completion date of September 11, 2020, so that the case could remain on track for summary

judgment practice. Plaintiff's Motion to Compel was filed December 10, 2020, ninety days after the deadline.<sup>1</sup>

Accordingly, the Motion to Compel is denied without prejudice to its renewal if accompanied by copies of the interrogatories and requests for documents with proof of their timely service on Defendants' counsel.

December 10, 2020.

*s/ Michael R. Merz*  
United States Magistrate Judge

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<sup>1</sup> Plaintiff's Motion contains a certificate of service on Defendants' counsel of November 25, 2020 (ECF No. 56, PageID 385). It was not postmarked until December 7, 2020. *Id.* at PageID 386.