

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FREDERICK COLLINS,	:	CIVIL NO. 1:CV-09-1932
Plaintiff,	:	
	:	(Chief Judge Kane)
v.	:	
	:	
JEROME WALSH, et al.,	:	
Defendants	:	

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Plaintiff Frederick Collins filed this civil rights action pursuant to 42 U.S.C. § 1983 while confined at the State Correctional Institution at Dallas (“SCI-Dallas”), Pennsylvania. He is now incarcerated at the State Correctional Institution at Coal Township, Pennsylvania. The matter proceeds on the original complaint and supplements thereto. (Doc. Nos. 1, 4, 18 and 20.) The Defendants remaining in this action are Pennsylvania Department of Corrections (“DOC”) employees Jeffrey Beard, former Secretary, and Dorina Varner, Chief Grievance Officer. Also remaining are SCI-Dallas employees Superintendent Jerome Walsh, Lieutenant Patterson and Correctional Officers Bath, Romonoski and Salsman.¹ The matter proceeds with respect to Collins’ claims of retaliation and cruel and unusual punishment. On July 6, 2011, the Court issued an order directing that all discovery in this matter be completed within sixty (60) days and any dispositive motions be filed within thirty (30) days from the close of discovery. (Doc. No. 55.) On August 9, 2011, Defendants filed a motion to compel responses to interrogatories and brief in support thereof. (Doc. Nos. 56, 57.) In the motion, Defendants maintain that they served

¹ On September 22, 2010, the Court issued a Memorandum and Order granting in part and denying in part a motion to dismiss filed by Defendants. (Doc. No. 34.) Defendants Mooney, Mooney and Chiampi were dismissed from this action at that time.

Collins with interrogatory questions on February 9, 2011, and that he has failed to respond to their discovery requests. After Collins failed to respond, Defendants sent him a letter enclosing another copy on the interrogatories, and requesting that he respond thereto. As of the present date, he has failed to do so. He has also failed to oppose Defendants' pending motion to compel. On September 7, 2011, Defendants filed a motion seeking an extension of time within which to complete discovery in this case due to Plaintiff's failure to respond to their outstanding discovery requests, and because further discovery may be necessary following their review of his responses once they are received. (Doc. No. 58.)

In light of the foregoing, Defendants' motion to compel will be granted to the extent that Plaintiff will be directed to respond to the outstanding interrogatory questions within fourteen (14) days from the date of this order. Plaintiff is advised that his failure to do so will be construed by the Court to be an abandonment of his desire to pursue this litigation any further, and the matter will be considered for involuntary dismissal pursuant to Federal Rule of Civil Procedure 41(b). See Poulis v. State Farm Fire & Cas. Co., 747 F.2d 863, 868 (3d Cir. 1984). In addition, in light of the procedural posture of this case, Defendants' motion for extension of time to complete discovery will be granted.

ACCORDINGLY, THIS 12th DAY OF SEPTEMBER, 2011, it is hereby

ORDERED as follows:

1. Defendants' motion to compel (Doc. No. 56) is **granted**. Plaintiff shall serve Defendants with his responses to the interrogatory questions within fourteen (14) days from the date of this order.
2. Defendants' motion for extension of time to complete discovery (Doc. No. 58) is **granted**. All discovery in this matter shall be completed by November 7, 2011. Any dispositive motions may be filed within thirty (30) days from the close of

discovery.

S/ Yvette Kane
YVETTE KANE, Chief Judge
Middle District of Pennsylvania