

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DIARBRO L. WILLIAMS,

Plaintiff,

v.

Case No. 20-cv-504-pp

SERGEANT HEASTHAVEN,
and NURSE MICHELLE,

Defendants,

ORDER DENYING PLAINTIFF'S MOTION TO COMPEL (DKT. NO. 62)

On May 11, 2021, the court denied plaintiff Diarbros L. Williams's two motions to compel and his motion for sanctions. Dkt. No. 61. Three days later, the plaintiff filed another motion to compel. Dkt. No. 62. The plaintiff asks the court to compel defendant Cory Heasthaven "to produce production of documents for inspection and copying and produce the interrogatories." Id. The plaintiff says that on May 9, 2021, he wrote to the defendant asking for these documents. Id. He also says that on February 14, 2021, he filed a motion to compel seeking these documents, but that the defendant has not responded. Id. (The court has not received from the plaintiff any motions to compel dated on or around February 14, 2021. It received and ruled on a motion dated March 23, 2021 and a motion dated April 2, 2021. Dkt. Nos. 53, 56.)

Counsel for defendant Heasthaven responds that on April 26, 2021, his office sent responses to the plaintiff's discovery requests. Dkt. No. 64 at 1. He explains that on May 10, 2021, his office received a letter from the plaintiff dated May 1, 2021, requesting the same discovery responses. Id. Counsel assumed "the correspondence crossed paths in the mail" and did not resend

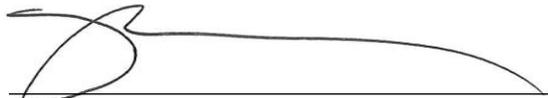
the April 26, 2021 responses. Id. Nonetheless, counsel stated that he was providing the plaintiff a copy of the letter May 20, 2021 letter to the court and an additional copy of the April 26, 2021 responses. Id. The plaintiff has not responded to counsel's letter.

Given defense counsel's response, it appears that the parties have resolved the issue and that the plaintiff's motion is moot. Even if that is not the case, the plaintiff's motion to compel did not comply with this court's local rules: he did not certify in his motion that he conferred or attempted to meet and confer with the defendant to resolve the discovery issue before asking the court to intervene. The court denied the plaintiff's two previous motions to compel because he did not comply with that requirement. See Dkt. No. 61 at 2 (citing Federal Rule of Civil Procedure 37(a)(1), Civil Local Rule 37 (E.D. Wis.)).

Because the plaintiff's motion to compel is moot and because it fails to comply with Fed. R. Civ. P. 37 and Civil L.R. 37, the court **DENIES** the plaintiff's motion to compel. Dkt. No. 62. The court reminds the plaintiff that he has an obligation to try to work with the defendants to resolve future discovery issues before seeking court intervention.

Dated in Milwaukee, Wisconsin this 15th day of July, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge