

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

WILLIAM MITCHELL,)	
)	
Plaintiff,)	
)	
v.)	Case No. 08-3111-JTM
)	
SGT. FREEMAN and)	
DAVID OAKS,)	
)	
Defendants.)	
_____)	

ORDER

Before the Court is Defendants’ Motion to Compel Discovery Responses that were served on Plaintiff on or about October 29, 2008. (Doc. 19.) Plaintiff did not file a response to the motion and the time to do so has expired. D. Kan. Rule 6.1(d)(1). As such, the Court will treat the motion as uncontested. D. Kan. Rule 7.4.

As noted in an earlier Order of January 16, 2009 (Doc. 20 at 1), it appears that Plaintiff may now be in custody in the Douglas County Jail. *See e.g.*, Doc. 19, at ¶ 4. In spite of correspondence sent to Plaintiff at the Douglas County Jail, Plaintiff has wholly failed to either respond to the subject discovery requests or

seek any extension of time to do so. Therefore, the Court GRANTS Defendants' motion to compel. Plaintiff is hereby ORDERED to serve full and complete responses to Defendants' discovery requests on or before **March 2, 2009**. Plaintiff shall not interpose any objections to the discovery requests as any right to object has been waived by Plaintiff's failure to respond. Plaintiff's failure to comply with the requirements of this Order may result in the imposition of sanctions against Plaintiff including dismissal of this action.

IT IS SO ORDERED.

A copy of this Order will be mailed to Plaintiff by the Clerk at both of the following addresses:

William Mitchell # 83263
Ellsworth Correctional Facility
1607 State Street
Ellsworth, KS 67439-0107

and

William Mitchell
Douglas County Jail
3601 East 25th Street
Lawrence, KS 66044

Dated at Wichita, Kansas on this 29th day of January, 2009.

s/ DONALD W. BOSTWICK
DONALD W. BOSTWICK
United States Magistrate Judge