

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

**THADDEUS JONES,**

**Plaintiff,**

**Case No. 17-3089-EFM-KGG**

**v.**

**JEFF EASTER, ET AL.**

**Defendants.**

**ORDER**

The *pro se* Plaintiff has filed a “Motion for Extension of Time to Respond to Defendant’s Response to Admissions” (Doc. 55). The Plaintiff states, and the Court file confirms, that Defendant served its responses to Plaintiff’s requests for admission on February 14, 2019 (Doc. 52).

The rule governing responses to requests for admission (Fed. R. Civ. P. 36), like all discovery responses, does not require or allow a “response” to discovery responses. If the responses provided by the Defendant are “insufficient,” the Plaintiff may file a Motion to Compel such responses (Fed. R. Civ. P. 36(a)(6)). (The Plaintiff understands this procedure, as evidenced by his previously filed Motion to Compel, Doc. 44). A motion to compel discovery is due 30 days from the alleged default D. Kan. Rule 37.1. So, in this instance a motion to compel would be due by March 18, 2019, which is within the extension period requested by this motion.

Because this motion evidences some procedural confusion on the part of the Plaintiff, the Court will, out of an abundance of caution, extend the deadline to file a motion to compel to April 1, 2019. The Court notes that conferring with the Defense counsel about any alleged deficiencies in the responses is required prior to filing a motion (D. Kan. Rule 37.2). The Court

also reminds Plaintiff that a motion to compel is appropriate if the Defendant has failed to properly respond to a request, or lodged an improper objection, but is not proper simply to disagree with the substance of the response.

The Motion for an extension of time to file a “response” is DENIED. However, the Plaintiff’s Deadline to file a Motion to Compel is extended to April 1, 2019.

SO ORDERED this 11<sup>th</sup> day of March, 2019.

S/ KENNETH G. GALE  
Kenneth G. Gale  
United States Magistrate Judge