

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BATTITES WESLEY,

Plaintiff,

ORDER

v.

GREG GRAMS, CAPT. ASHWORTH and
CAPT. WINSLOW STANLEY,

10-cv-459-slc

Defendants.

On February 15, 2011, the court allowed Wesley to proceed *in forma pauperis* on his claims that defendants Captain Ashworth, Captain Winslow Stanley and Greg Grams violated his First Amendment rights. Now before the court is plaintiff's motion to compel responses to his July 3, 2011 discovery requests. *See* Dkt. 22.

Defendants respond that their lawyer never received either the discovery requests or the follow-up letter. They have agreed to treat the discovery requests as having been received by them on September 8, 2011, and to respond to them as required by the Federal Rules of Civil Procedure. Because discovery is still open in this case, allowing defendants' proposal is a fair resolution to plaintiff's motion to compel.

ORDER

IT IS ORDERED that plaintiff Battites Wesley's motion to compel is DENIED, subject to defendants timely responding to the discovery request they received on September 8, 2011.

Entered this 12th day of September, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge