

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>FRANK GILLIS,</b>  <div style="text-align: center;"><b>Plaintiff,</b></div> <div style="text-align: center;"><b>v.</b></div> <b>Warden TARMARSHE SMITH,</b>  <div style="text-align: center;"><b>Defendant.</b></div> <hr style="width: 40%; margin-left: 0;"/>	: : : : : : : : : : :	<b>Case No. 5:22-cv-00027-CAR-CHW</b>  <b>Proceedings Under 42 U.S.C. §1983</b> <b>Before the U. S. Magistrate Judge</b>
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**ORDER**

Before the Court is Plaintiff Frank Gillis’s motions to compel Defendant to provide answers to his discovery requests. (Docs. 63, 64). For two reasons, Plaintiff’s motions are **DENIED**. First, this Court does not entertain motions to compel absent a certificate that the movant first attempted to confer, in good faith, with the opposing parties to seek the requested information without court action. Fed. R. Civ. P. 37; Local Rule 37. Plaintiff’s motion is unaccompanied by such a certificate. Second, discovery was closed by the time Plaintiff submitted his discovery requests. Discovery was stayed pending the outcome of Defendant’s motion to dismiss. (Doc. 34). Because the motion was a pre-answer motion to dismiss, Defendant properly filed his answer on July 24, 2023. Pursuant to the Court’s screening order, the answer triggered a 90-day discovery period (Doc. 16), which ended on October 22, 2023. Plaintiff states he served his discovery on November 8, 2023. *See* (Docs. 63-1; 64-1). This date was after the discovery period expired on October 22, 2023. Plaintiff made no request to open and extend discovery. Accordingly, no compulsive discovery relief is warranted at this time.

In connection with his motions to compel, Plaintiff also requested an extension of time to respond to Defendant's motion for summary judgment. (Doc. 62). Plaintiff's motion is **GRANTED**. His response to Defendant's motion for summary judgment is due February 20, 2024.

**SO ORDERED**, this 10th day of January, 2024.

s/ Charles H. Weigle  
Charles H. Weigle  
United States Magistrate Judge