

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

OMAR MILLER, :  
 :  
 Plaintiff, :  
 :  
 v. : CASE NO. 3:14cv766 (RNC)  
 :  
 MARK BUCHANAN, :  
 :  
 Defendant. :

**ORDER TO SHOW CAUSE WHY  
SANCTIONS SHOULD NOT BE IMPOSED**

The plaintiff, who is self-represented, brings this § 1983 action against the defendant, Dr. Buchanan, the former Director of Clinical Services at the University of Connecticut Correctional Managed Health Care.

On June 6, 2017, after oral argument, the court granted the plaintiff's motion to compel as to certain requests. (Doc. #52.) Pursuant to Local Rule 37, defendant's "compliance with the discovery ordered by the court" was due within 14 days of the court's ruling. D. Conn. L. Civ. R. 37(d).

On June 23, 2017, the plaintiff filed a "Judicial Notice" stating that the defendant had not complied with the court's discovery order. (Doc. #59.)

On June 28, 2017, the plaintiff filed a "Motion for Sanctions" on the grounds that the defendant "failed to comply" with the court's discovery order. (Doc. #61.)

On June 29, 2017, the court held a settlement conference. At the conclusion of the conference, the court, in response to the

plaintiff's filings, conducted a status conference regarding the defendant's compliance.<sup>1</sup> The court's painstaking review of the status of each discovery request revealed that "as to all the discovery requests granted by the court in its June 6, 2017 order, defense counsel either served tardy responses or failed to respond at all." (Doc. #65 at 4.) On June 30, 2017, the court issued a "Memorandum of Conference and Order." (Doc. #65.) The court - for the second time - ordered defendant to comply with certain discovery requests. The court also ordered the defendant to file certain documents with the court.<sup>2</sup> To date, the defendant has not filed anything in response to the court's order. The requests at issue and relevant orders are:

1. Production Request 1: By July 13, 2017, the defendant shall file affidavits regarding the plaintiff's examination of the requested manual. (Doc. #65 at 1.)
2. Request for Admission 14: By July 11, 2017, the defendant shall serve an amended answer.
3. Interrogatory 2: By July 11, 2017, the defendant shall serve an amended response.
4. Interrogatories 7 and 8 and Second Request for Production 2:

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<sup>1</sup>During the conference, the court provided copies of the plaintiff's submissions to defense counsel, who stated that he had not seen them. (Doc. #66, tr. 6/29/17 at 3.)

<sup>2</sup>The court ordered the Clerk of the Court to send a copy of this Order to AAG Terry O'Neill.

By July 11, 2017, the defendant shall serve amended responses.

5. Interrogatory 16: By July 11, 2017, the defendant shall serve an amended response.

6. Finally, the court's order specifically "reminded" the defendant that his response to the plaintiff's motion for sanctions was due July 19, 2017. (Doc. #65 at 5.) Notwithstanding, the defendant has not filed anything in response to the plaintiff's motion for sanctions. See D. Conn. L. Civ. R. 7(a) ("[A]ll memoranda in opposition to any motion shall be filed within twenty-one days of the filing of the motion . . . . Failure to submit a memorandum in opposition to a motion may be deemed a sufficient cause to grant the motion . . . .").

IT IS HEREBY ORDERED that:

1. Defense counsel and AAG Terry O'Neill shall appear before the undersigned on Friday, September 1, 2017 at 11:00 a.m. in the East Courtroom at which time defense counsel shall SHOW CAUSE as to why sanctions should not be imposed. The plaintiff shall appear by way of videoconference.

2. On or before Tuesday, August 29, 2017, defense counsel shall file a written memorandum in addressing the status of the requests at issue and why sanctions should not be imposed. See Peters-Turnbull v. Bd. of Educ. of City of New York, No. 96 CIV. 4914 (SAS), 1999 WL 959375, at \*3 (S.D.N.Y. Oct. 20, 1999) ("A court need not beg a party to comply with its orders.")

3. Defense counsel shall serve a copy of this order to his client, AAG General Terry O'Neill, and Deputy Attorney General Perry Zinn Rowthorn.

SO ORDERED at Hartford, Connecticut this 22nd day of August, 2017.

\_\_\_\_\_/s/\_\_\_\_\_  
Donna F. Martinez  
United States Magistrate Judge