

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 16-62499-CIV-COHN/SELTZER

COREY DAVIS,

Plaintiff,

vs.

SHAMERE MCKENZIE, SUN GATE
FOUNDATION, PUBLIC BROADCASTING
SERVICE, HANNAH PERRY,Defendants.

ORDER

THIS CAUSE has come before the Court upon Plaintiff's Motion for Discovery [DE 75] which was filed on November 9, 2017. Plaintiff seeks leave to conduct discovery in order to challenge the Motion for Summary Judgment filed by Defendant Public Broadcasting Service ("PBS").

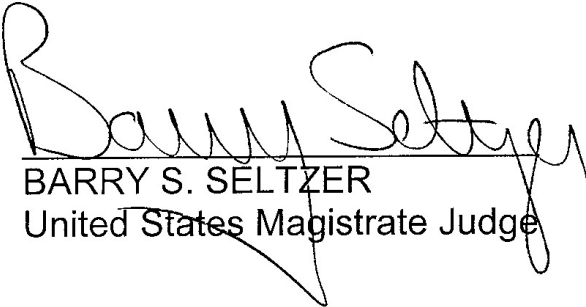
PBS's Motion for Summary Judgment [DE 40] was filed on June 20, 2017. The Court issued an Order on June 21, 2017, directing Plaintiff to respond to the summary judgment motion by July 7, 2017. Plaintiff thereafter moved for three extensions of time to respond to the Motion for Summary Judgment and his memorandum of law in opposition was filed on September 18, 2017 [DE 58]. At no time did Defendant request that discovery be taken or argue that he could not defend the summary judgment motion without taking discovery.

Plaintiff's Motion for Discovery is dated September 10, 2017. The envelope it arrived in, however, was postmarked on October 24, 2017. The Motion for Discovery did

not arrive at the Court until November 9, 2017. The undersigned submitted the Report and Recommendation on PBS' Motion for Summary Judgment and on Plaintiff's Cross-Motion for Summary Judgment on November 3, 2017 [DE 71]. The undersigned's recommendations turned on questions of law and matters contained in the public record, and therefore discovery would not have altered the undersigned's recommendations. For this reason, it is hereby

ORDERED AND ADJUDGED that Plaintiff's Motion for Discovery [DE 75] is **DENIED**.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 15th day of November 2017.


BARRY S. SELTZER
United States Magistrate Judge

Copies furnished counsel via CM/ECF

and to:

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