

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

MICHAEL DISHMOND, individually
and as the administrator
of the estate of Teresa
Dishmond, deceased,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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CV 114-083

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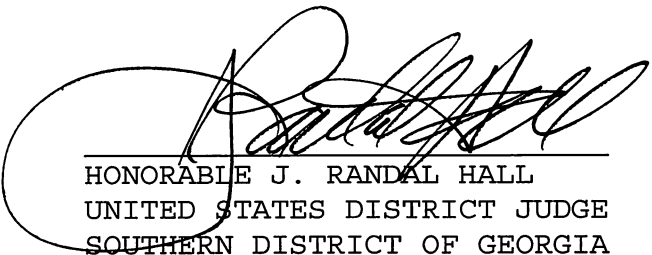
Before the Court is Plaintiff's Motion to Administratively Close Case Without Prejudice. (Doc. 35.) On October 9, 2014, this Court granted Plaintiff a ninety-day limited discovery period to address Laura Lee's employment status. Plaintiff, despite diligent efforts, was unable to locate Ms. Lee or her business partner, Lawrence Hurley. This Court then granted two extensions of the limited discovery period, one for sixty days and one for thirty days. (Docs. 31 & 34.) After the latter thirty-day extension, the Court warned the parties that no further extensions on the limited discovery period would be granted.

With the present motion, Plaintiff represents that he cannot adequately respond to the Government's dispositive motions without the testimony of Ms. Lee and possibly Mr. Hurley. According to

Plaintiff, "disposing of this case without the benefit of the testimony of these witnesses would be manifestly unjust to the plaintiff." (Doc. 35 at 4-5.) If granted, Plaintiff represents that he would reopen this case upon locating the witnesses, take their depositions, and either respond to the Government's pending motions or dismiss the case with prejudice. The Government opposes the motion, responding that it "would be prejudiced by the passage of time, fading memories of witnesses, and by not being afforded timely adjudication of a Rule 12 motion to dismiss and dispositive summary judgment motion." (Doc. 36.)

While cognizant of the hardship faced by Plaintiff and his diligence in attempting to locate these witnesses, administratively closing the case would result in an indefinite extension of the limited discovery period, which the Court will not grant. Accordingly, Plaintiff's Motion to Administratively Close Case (doc. 35) is **DENIED**. Plaintiff shall comply with all existing deadlines outlined in this Court's March 5, 2015 Order (doc. 34).

ORDER ENTERED at Augusta, Georgia, this 15th day of April, 2015.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA