

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:08-CV-239-FL

LARRY L. MORRIS, JR.,)

Plaintiff,)

v.)

OFFICER J. B. EDMONDS, individually)
and in his official capacity with the Rocky)
Mount Police Department; and THE CITY)
OF ROCKY MOUNT, N.C.,)

Defendants.)


ORDER

This matter is before the court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge David W. Daniel, regarding defendants' motion for sanctions and alternative motion to compel (DE #39). No objections to the M&R have been filed, and the time within which to make any objection has expired. This matter is ripe for ruling.

The court hereby ADOPTS the recommendation of Magistrate Judge Daniel as its own, except as otherwise provided in this order. For the reasons stated in the M&R, defendants' motion for sanctions is DENIED, and defendants' alternative request for an order to compel is GRANTED. Due to the time passed to allow for objection from parties and for proper consideration of the issues presented in the M&R, the court orders that plaintiff is compelled to respond to all outstanding discovery on or before **April 30, 2009**. Additionally, the date by which all discovery is to be commenced or served in time to be completed is **May 14, 2009**. As stated in the M&R, in light of this court's earlier consideration of defense counsel's upcoming maternity leave when setting the discovery deadlines, to the extent this extension of discovery deadlines causes hardship to defense

counsel, the court will consider further extension to prevent prejudice to defendant.

SO ORDERED this the 17th day of April, 2009.

A handwritten signature in black ink that reads "Louise W. Flanagan". The signature is written in a cursive, flowing style.

LOUISE W. FLANAGAN
Chief United States District Judge