

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

No. 5:11-cv-00285-BO

SHAWANNA L. BATTS,)
)
 Plaintiff,)
)
 v.)
)
 WAFFLE HOUSE,)
)
 Defendant.)

ORDER

This matter is before the Court on Defendant’s motion to compel [DE-26]. No response has been filed by the *pro se* Plaintiff, and the matter is ripe for decision.

Pursuant to the Scheduling Order entered in this matter [DE-23], the parties deadline to make their initial disclosures, as adopted from the Rule 26(f) report [DE-22], was February 6, 2012. On February 24, 2012, Defendant mailed to Plaintiff interrogatories and requests for production of documents. Plaintiff has failed to make the required Rule 26(a) initial disclosures or to respond to Defendant’s discovery requests, despite inquiries from Defendant’s counsel.

An order compelling disclosure or discovery is appropriate where a party has failed make the required Rule 26(a) initial disclosures or to respond to discovery requests and the movant certifies that a good faith attempt was made to resolve the matter without court action. Fed. R. Civ. P. 37(a)(1) & (3). Furthermore, a court may order sanctions, including dismissing an action in whole or in part, where a party fails to respond to discovery requests. Fed. R. Civ. P. 37(b)(2) & (d)(3).

The Court finds that Defendant has satisfied the requirements of Rule 37, including providing proper notice to Plaintiff of the instant motion, and that it is entitled to an order

compelling Plaintiff to make initial disclosures and to respond to Defendant's discovery requests. Accordingly, Defendant's motion to compel is **GRANTED**, and Plaintiff shall make the Rule 26(a) initial disclosures and respond to the requested discovery no later than **July 23, 2012**.

Plaintiff is cautioned that a failure to comply with this order may result in sanctions, including dismissal of this action, pursuant to Rule 37.

This 2nd day of July 2012.

A handwritten signature in black ink, appearing to read "David W. Daniel", written over a horizontal line.

DAVID W. DANIEL
United States Magistrate Judge