

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:13-CV-691-D

SEANDELL FORMAN,)
)
 Plaintiff,)
)
 v.)
)
 TEXAS GUARANTEED STUDENT)
 LOAN CORPORATION (TG),)
)
 Defendant.)

ORDER

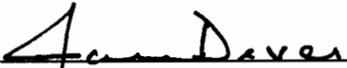
On March 6, 2014, the court entered a scheduling order with the a discovery deadline of July 7, 2014 [D.E. 31]. On July 7, 2014, plaintiff, appearing pro se, filed a motion for the extension of time to complete discovery [D.E. 36]. On July 16, 2014, the court granted plaintiff's uncontested motion and extended the deadline to complete discovery to August 21, 2014 [D.E. 39]. On August 7, 2014, plaintiff served seventeen interrogatories. Defendant objected to the interrogatories. See [D.E. 46] 3. On August 21, 2014, plaintiff filed a second motion for an extension of time to complete discovery [D.E. 43]. On August 26, 2014, plaintiff filed a motion for an order compelling discovery [D.E. 44]. On September 9, 2014, defendant responded in opposition to plaintiff's motion to compel [D.E. 46].

Plaintiff's interrogatories failed to comply with Local Civil Rule 26.1(b) in that plaintiff failed to serve them in sufficient time to permit defendant to respond within thirty days. See Local Civil Rule 26.1(b) ("All discovery shall be served so as to allow respondent sufficient time to answer prior to the time when discovery is scheduled to be completed."); English v. Johns, No. 5:11-CT-3206-D, 2014 WL 555661, at *4 (E.D.N.C. Feb. 11, 2014) (unpublished); Summerville v. Local 77,

369 F. Supp. 2d 648, 651 (M.D.N.C. 2005). Moreover, the plaintiff's motion to compel is untimely. See English, 2014 WL 555661, at *4; PCS Phosphate Co. v. Norfolk S. Corp., 238 F.R.D. 555, 558 (E.D.N.C. 2006). Furthermore, plaintiff failed to attach the interrogatories and objections to the motion to compel and thereby violated Local Civil Rule 7.1(c).

In sum, plaintiff's motion for an extension of time to complete discovery [D.E. 43] is DENIED. Plaintiff's motion for an order compelling discovery [D.E. 44] is DENIED. Finally, plaintiff's motion to strike affirmative defenses [D.E. 40] is DENIED.

SO ORDERED. This 2 day of October 2014.



JAMES C. DEVER III
Chief United States District Judge