

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

No. 7:13-CV-00128-BO

GEORGE REYNOLD EVANS,)

Plaintiff,)

v.)

OFFICER JASON GRIESS, et al.,)

Defendants.)

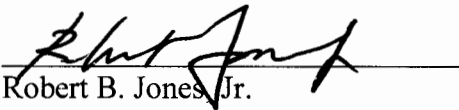
ORDER

This matter is before the court on the *pro se* Plaintiff's Motion to Release DVD to Plaintiff in Emergency Order, filed on December 28, 2015. [DE-91]. Plaintiff states that he requires the DVD, filed on June 24, 2015 at [DE-64-2], for its use in a North Carolina criminal trial in Onslow County, scheduled for the January 4, 2016 trial term. [DE-91] at 1. Plaintiff has filed two previous documents requesting return of the DVD. [DE-86, -90]. In a letter dated December 16, 2015, Plaintiff asks that the court send the requested DVD to his attorney. [DE-86]. As Plaintiff is appearing *pro se* in this case, presumably Plaintiff is referring to his attorney in the currently-pending North Carolina criminal case.

Local Civil Rule 79.1 provides a procedure allowing the clerk, subject to certain notice requirements, to "destroy or otherwise dispose of the exhibits" in a case after the entry of final judgment. While the judgment in this case was entered on October 14, 2015 [DE-80], and the Plaintiff's appeal was dismissed on December 28, 2015 [DE-92], there is a Motion to Alter Judgment [DE-88] pending before the court. In the Motion to Alter Judgment, Plaintiff references a video purportedly contained on the DVD at issue. [DE-92] at 1. Accordingly, as the DVD is the subject of a motion pending before this court and was filed in the record, it cannot be returned to the

Plaintiff at this time. However, a copy of the DVD has been prepared by the court's Information Technology Department, and will be made available for Plaintiff's attorney to retrieve from the Clerk's Office located in the Terry Sanford Federal Building, 310 New Bern Avenue in Raleigh, North Carolina, no earlier than **December 30, 2015**.

SO ORDERED, the 30 day of December 2015.


Robert B. Jones, Jr.
United States Magistrate Judge