

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:08CV458-3-MU

DOUGLAS WADE MELTON, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 SHERRI SIMMONS et al., )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** comes before the Court on Defendants’ Response to Court Order (Doc. No. 26.) By Order dated January 28, 2009, this Court directed Defendants to file a response to Plaintiff’s renewed motion to produce documents and to file dispositive motions, if appropriate, within forty-five days. (Doc. No. 24.)

On February 9, 2009, Defendants filed a response in which they maintain their previously stated belief that the content of medical records from four outside providers dating back to 2003 does not inform the issue of what information was contained in the Rutherford County jail records during 2007-2008. However, Defendants state that they are in possession of a signed medical records release authorization from the Plaintiff and will use such release to try and secure records from the requested providers (Rutherford Hospital, Carolinas Medical Center, Cleveland Home Health Care and the Department of Correction). Defendants request that the Court extend the deadline for filing dispositive motions.

The Court will grant Defendants’ request for an extension of time to file dispositive

motions. Defendants shall advise the Court forty-five (45) days from the date of this Order as to the status of the medical records from the providers mentioned in this Order.

**NOW, THEREFORE, IT IS ORDERED:**

1. That the Defendants shall advise the Court forty-five (45) days from the date of this Order as to the status of Plaintiff's medical records.

2. Dispositive motions, if appropriate, shall be filed after the discovery regarding Plaintiff's medical records is complete.

**SO ORDERED.**

Signed: February 12, 2009



Graham C. Mullen  
United States District Judge

