

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:16 CV 26**

THIS MATTER is before the undersigned pursuant to Plaintiff's Response to Defendant's Offer of Judgement, and Plaintiff's Proposal of Settlement (#23). It appears that Defendant presented an Offer of Judgment to the Plaintiff, pursuant to Rule 68 of the Federal Rules of Civil Procedure. It further appears from Plaintiff's Response that Plaintiff has declined the Offer of Judgment. Rule 68 of the Federal Rules of Civil Procedure provides as follows:

Rule 68. Offer of Judgment

(a) Making an Offer; Judgment on an Accepted Offer. At least 14 days before the date set for trial, a party defending against a claim may serve on an opposing party an offer to allow judgment on specified terms, with the costs then accrued. If, within 14 days after being served, the opposing party serves written notice accepting the offer, either party may then file the offer and notice of acceptance, plus proof of service. The clerk must then enter judgment.

(b) Unaccepted Offer. An unaccepted offer is considered withdrawn,

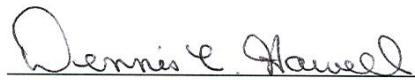
but it does not preclude a later offer. Evidence of an unaccepted offer is not admissible except in a proceeding to determine costs.

Rule 68 provides that an offer of judgment is only to be filed if it has been accepted. The Plaintiff's Response shows that the offer of judgment has not been accepted. The Plaintiff's Response contains impertinent material such as offers of settlement and the undersigned finds it should be stricken from the record.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's Response to Defendant's Offer of Judgement and Plaintiff's Proposal of Settlement (#23) is **ORDERED** to be **STRICKEN** and removed from the record in this matter.

Signed: May 17, 2017


Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

