

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:16-cv-34-FDW**

JIMMY ALLEN ROBERTS,

Plaintiff,

vs.

FRANK L. PERRY, et al.,

Defendants.

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ORDER


THIS MATTER is before the Court on Plaintiff's Motion for Discovery, (Doc. No. 21), and on Plaintiff's Motion for Contempt and/or Motion for Default Judgment, (Doc. No. 22).

First, as to Plaintiff's motion for contempt and/or default judgment, Plaintiff seeks an entry of default judgment based on his contention that Defendants have not filed an Answer to the Complaint. The motion is denied, as Defendants filed their Answer on September 29, 2016. See Doc. No. 20.

Next, as to Plaintiff's motion for discovery, the motion is denied because discovery has not commenced in this matter. The Court will, however, enter a scheduling order soon, setting forth discovery deadlines. Moreover, once discovery commences, Plaintiff must seek discovery from Defendants directly rather than filing motions with the Court.

IT IS THEREFORE ORDERED that:

Plaintiff's Motion for Discovery, (Doc. No. 21), and Plaintiff's Motion for Contempt and/or Default Judgment, (Doc. No. 22), and are both **DENIED**.


Frank D. Whitney
Chief United States District Judge

