

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:16-cv-288-FDW**

GERALD WHITESIDE,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
SUSAN WHITE,)	
WILLIAM REED,)	
)	
Defendants.)	
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THIS MATTER is before the Court on Plaintiff’s Motion to Compel Discovery, (Doc. No. 23), filed on June 14, 2017, regarding his right to view a video related to the alleged excessive force incident in this matter. In support of his motion to compel, Plaintiff complains that: (a) he was unable to view the video provided in discovery a second time; (b) he was not allowed to take notes during the viewing of the video; and (c) he believes that Defendant Reed has other videos or better copies of the video provided.

In response to the motion to compel, Defendant notes that Plaintiff signed a form, confirming that he was permitted to view the video and dated April 11, 2017 (See Doc. No. 21-4: Ex. D to Defendant’s Response to Motion to Compel). Defendant further states that he does not have other copies of videos or a better copy of the video provided. Counsel for Defendant states that, in order to address Plaintiff’s other contentions regarding his ability to view the video, counsel will direct the superintendent of the facility where Plaintiff is currently housed to, on or before July 15, 2017, allow Plaintiff to view the video again and take notes.

Based on Defendant's response, the Court will deny the motion to compel at this time, but if Plaintiff is not permitted to view the video again and take notes by July 15, 2017, counsel shall so advise the Court, and the Court will take further appropriate action at that time.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for an Order Compelling Discovery, (Doc. No. 23), is **DENIED**.

Signed: July 5, 2017



Frank D. Whitney
Chief United States District Judge

