

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

**GERALD WHITESIDE,** )  
 )  
 **Plaintiff,** )  
 )  
**vs.** ) **ORDER**  
 )  
**SUSAN WHITE,** )  
**WILLIAM REED,** )  
 )  
 **Defendants.** )  
\_\_\_\_\_ )

**THIS MATTER** is before the Court on its own motion.

Pro se Plaintiff Gerald Whiteside, a North Carolina prisoner incarcerated at Mountain View Correctional Institution, filed this action on August 26, 2016, pursuant to 42 U.S.C. § 1983, alleging excessive force against Defendant William Reed, a correctional officer at Mountain View at all relevant times. Defendant’s summary judgment motion is pending. One of Defendant’s exhibits is a DVD containing videotape footage related to the alleged excessive force incident in this matter. See (Doc. No. 29-8). The Court has been unable to identify the relevant video clip on the DVD, which contains numerous files, and the relevant video is not clearly designated.

Defendant shall therefore have ten days in which to mail to the Clerk a new copy of the relevant video footage, previously submitted as one of Defendant’s exhibits to the pending summary judgment motion, with the relevant file containing the videotape footage clearly designated so the Court can easily identify the video on the DVD.<sup>1</sup>

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<sup>1</sup> The Court has previously corresponded informally with Defendant in an attempt to locate the relevant file on the DVD, but the Court is still unable to locate the file, as it is one of numerous

**IT IS SO ORDERED.**

Signed: January 23, 2018

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge



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files currently on the DVD. Furthermore, the current DVD appears to be corrupt.