

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:17-cv-00103-FDW**

<b>WILLIAM I. ERWIN,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b><u>ORDER</u></b>
	)	
<b>ERIC RODRIGUEZ, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

**THIS MATTER** is before the Court upon Plaintiff’s Motion to Present Discovery (Doc. No. 4) and Motion for Extension of Time to Serve Summons and Amend the Complaint (Doc. No. 10).

**I. MOTION FOR EXTENSION OF TIME**

Because Plaintiff is proceeding in forma pauperis,<sup>1</sup> the Court must review his § 1983 Complaint to determine whether it is subject to dismissal on the grounds that it is “frivolous or malicious [or] fails to state a claim on which relief may be granted.” 28 U.S.C. § 1915(e)(2). Furthermore, the Court must identify and dismiss the complaint, or any portion of the complaint, if it seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C § 1915A.

Plaintiff, however, seeks an extension of time so that he may amend his Complaint to dismiss all but two of the defendants and all but one of his claims. (Mot. for Ext. of Time ¶ 6, Doc. No. 10.) In the interest of judicial economy, and to preserve judicial resources, the Court shall grant Plaintiff’s Motion for Extension of Time and postpone its initial review of the

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<sup>1</sup> On May 11, 2017, the Court entered an Order waiving the initial filing fee and directing monthly payments to be made from Plaintiff’s prison account. (Doc. No. 8.)

Complaint until it has been amended.

Plaintiff also seeks an extension of time to serve summons on Defendants. That is unnecessary, however, as Plaintiff is proceeding in forma pauperis. Accordingly, the Court will direct the United States Marshall Service to serve Defendants, if the Complaint survives initial review.


## **II. MOTION TO PRESENT DISCOVERY**

Plaintiff has filed a Motion to Present Discovery (Doc. No. 4) to put before the Court three affidavits containing factual allegations relevant to the Complaint. Two of the affidavits are signed by Plaintiff, and the third is signed by a fellow inmate. The Court shall grant the motion because the affidavits, for the most part, relay information Plaintiff could have included in the body of his Complaint. The Court shall direct the Clerk of Court to docket the three affidavits as appendices to the Complaint.

**IT IS, THEREFORE, ORDERED** that:

1. Plaintiff's Motion to Present Discovery (Doc. No. 4) is **GRANTED**. The Clerk of Court shall docket the three affidavits (Doc. Nos. 4-1, 4-2, 4-3) as appendices to the Complaint;
2. Plaintiff's Motion for Extension of Time (Doc. No. 10) is **GRANTED**; and
3. Plaintiff shall have thirty (30) days from entrance of this Order to amend his Complaint as outlined in his Motion.

Signed Date: August 29, 2017

  
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Frank D. Whitney  
Chief United States District Judge

