

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:17 CV 139

UNITED STATES OF AMERICA,)
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Plaintiff,)
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)
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v)
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)
)
JARRETT MITCHEM)
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)
)
Defendant,)

ORDER

THIS MATTER has come before the undersigned pursuant to a Certification and Report of Fed.R.Civ.P. 26(f) Conference and Discovery Plan (#10). While reviewing the plan (#10), the undersigned found the Defendant has requested a trial by jury on all issues (#9). The undersigned questions whether or not the Defendant can request a jury trial in an action involving the United States of America as a party. As a result, this Court will of its own motion, direct the parties to brief the issue of whether or not the Defendant is entitled to a jury trial in this matter. The Defendant will be allowed up to and including October 16, 2017 to file a brief of no more than 8 pages in length setting forth any authority of the Defendant that the Defendant is entitled to such a jury trial in this matter. The Plaintiff, United States of America,

will be allowed up to and including October 23, 2017 to respond to the Defendant's brief. The response shall be no more than 8 pages.

ORDER

WHEREFORE IT IS THE ORDER OF THE COURT upon the Court's own motion, that the Defendant shall file a brief as set forth herein regarding the issue as to whether or not the Defendant is entitled to a jury trial in this matter on or before October 16, 2017 and the Plaintiff, United States of America shall be allowed up to and including October 23, 2017 to respond.

Signed: October 5, 2017

Dennis L. Howell
Dennis L. Howell
United States Magistrate Judge

