

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:17 cv 150**

GREGORY G. ARMENTO,)
)
 Plaintiff)
)
 v.)
)
 ASHEVILLE BUNCOMBE COMMUNITY)
 CHRISTIAN MINISTRY, INC.,)
)
 Defendants.)
 _____)

ORDER

Before the Court is pro se Plaintiff’s Motion to Compel [# 37].

The Court’s Error. On September 21, 2017, the Court issued a Pretrial Order and Case Management Plan. [# 29]. In the Order, the Court made a scrivener’s error. The Order should have read “20 requests for admissions” and not “2 requests for admissions.”

The Motion to Compel. On March 30, 2018, pro se Plaintiff—concerned about making a record—submitted discovery requests to Defendant via USPS certified mail. Defendant, relying on the mail service rule Fed. R. Civ. P. 6(d), calculated that its deadline to respond to Plaintiff’s request would be May 2, 2018—one day after discovery was closed. Thus, Plaintiff’s requests were submitted out of time. Defendant did not respond to the discovery requests. On May 9, 2018, Plaintiff filed his Motion to Compel.

Seeing as Plaintiff is proceeding pro se, and in the interest of justice, the Court has decided on a compromise. Accordingly, the Court **GRANTS** the Motion in part and **DENIES** the Motion in part [# 37].

Plaintiff shall have **20** requests for admission. Defendant, however, only needs to respond to Plaintiff's **first 20 requests** and disregard the remainder of requests. Defendant shall have through **June 8, 2018**, to respond to Plaintiff's discovery requests.

Because the Court has determined to reopen discovery for this limited purpose, the Court will reset the following deadlines; the Court has consulted with the District Court in making these determinations.

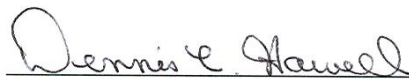
Discovery: June 8, 2018

Mediation: June 22, 2018

Motions: July 1, 2018

Finally, the Court understands Plaintiff's unfamiliarity with civil procedure, however, this issue was covered in the pretrial order and case management plan [# 29]. The Court **DIRECTS** pro se Plaintiff to consult the pretrial order [# 29] frequently. While the Court gives pro se plaintiffs some latitude, the Court may not be able to find in Plaintiff's favor with any future issues.

Signed: May 25, 2018



Dennis L. Howell
United States Magistrate Judge

