

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:20-cv-00244-MR**

MARQUIS DECHANE HARRISON,)	
)	
Plaintiff,)	
)	
vs.)	
)	
BRANDON NICHOLSON,)	<u>ORDER</u>
)	
Defendant.)	
)	
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THIS MATTER is before the Court on Plaintiff’s Request for Deposition by Oral Examination [Doc. 25] and Motion for an Order Compelling Discovery [Doc. 25-1 at 4].

The incarcerated *pro se* Plaintiff filed the Complaint pursuant to 42 U.S.C. § 1983 alleging that Defendant Brandon Nicholson, an officer at the Henderson County Jail, used excessive force against him on October 28, 2017. The deadline to complete discovery is April 5, 2021. [Doc. 17]. The Plaintiff has filed a Request for Deposition by Oral Examination and Motion for an Order Compelling Discovery, both of which were docketed on March 12, 2021.

In the Request for Deposition by Oral Examination, the Plaintiff alleges that the Defendant “tailored” his Interrogatory response “for the betterment

of their¹ position” and lied by claiming that he has no knowledge of the incident and by denying the existence of video footage. [Doc. 25 at 3]. The Plaintiff therefore seeks “an oral deposition by remote means recorded via video or deposition by video conference,” which the Plaintiff states he will arrange. [Doc. 25 at 3-4].

In his Motion for an Order Compelling Discovery, the Plaintiff asks the Court to compel the Defendant to produce video footage of the incident which the Plaintiff requested on January 26, 2020. [Doc. 25-1 at 4]. The Plaintiff argues that the Defendant’s assertion that no such video exists is untrue because documents that the Plaintiff obtained in discovery indicate that such video was reviewed in response to the Plaintiff’s grievances regarding the incident. [Id. at 5]. In support of his motion, the Plaintiff submits correspondence from Lieutenant Warren L. Bradley and Captain Todd W. McCrain of the Henderson County Sheriff’s Office, which both refer to video footage of the October 28, 2017 incident. [Doc. 25-2 at 2; 25-3 at 2].

The Defendant has not responded to either of the Plaintiff’s motions. Accordingly, the Court enters the following Order.

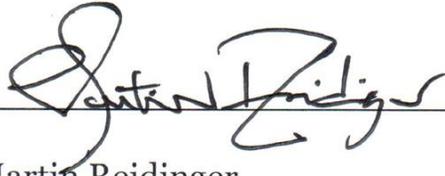
IT IS, THEREFORE, ORDERED that the Defendant shall respond to the Plaintiff’s Request for Deposition by Oral Examination [Doc. 25] and the

¹ It is unclear to whom this refers, as there is only one Defendant in this case.

Plaintiff's Motion for an Order Compelling Discovery [Doc. 25-1 at 4] within **ten (10) days** of the entry of this Order. No extensions of time shall be granted except on a showing of extraordinary circumstances.

IT IS SO ORDERED.

Signed: April 1, 2021

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
Chief United States District Judge

