

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:23-cv-156-KDB**

**SCOTT DEVON HEMPHILL,** )  
 )  
 **Plaintiff,** )  
 )  
 **vs.** )  
 )  
 **GREG HUNTLEY, et al.,** )  
 )  
 **Defendants.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on the Plaintiff’s pro se “Motion for Reconsideration & Request for ‘Original Documents Back’” [Doc. 88] and “Motion for Extension of Time & Motion for Re-View of Order (Objection To) Filed ‘10-21-24’” [Doc. 89].

The incarcerated Plaintiff filed the instant action pursuant to 42 U.S.C. § 1983.<sup>1</sup> The Complaint passed initial review against several employees at the Burke County Jail (“BCJ Defendants”) and one employee of the North Carolina Department of Adult Corrections (“DAC Defendant”). [Docs. 1, 12].

On July 10, 2024, the BCJ Defendants filed a Motion for Summary Judgment.<sup>2</sup> [Doc. 59]. The Plaintiff previously sought an extension of the deadline to respond to the Motion for Summary Judgment, and he requested copies of original documents that he had previously filed with the Court. [See Doc. 79]. The Court granted the extension of time but denied the request for documents as moot, because the BCJ Defendants represented that they had mailed the same to the

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<sup>1</sup> The Plaintiff initially filed this case in the Eastern District of North Carolina; it was transferred to this Court where venue lies. [Doc. 8].

<sup>2</sup> The NCDAC Defendant filed a Motion for Summary Judgment on November 20, 2024. [Doc. 85].

Plaintiff. [See Doc. 80, 82]. The Plaintiff now states that the Defendants’ representation is untrue and that he never received the documents. He asks for the Defendants to be “penalized for perjury,” for a copy of the documents, and for another extension of time in which to respond to the BCJ Defendants’ Motion for Summary Judgment. [Doc. 88 at 3; Doc. 89]. The BCJ Defendants have filed a Response explaining that counsel recently discovered that the Plaintiff did not receive the relevant documents until November 20, 2024, and that the BCJ Defendants do not object to an extension of the Plaintiff’s deadline to respond to their Motion for Summary Judgment.<sup>3</sup> [Doc. 91].

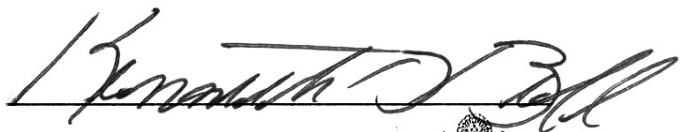
The Plaintiff’s Motions will be granted insofar as he will be granted an extension of time to respond to the BCJ Defendants’ Motion for Summary Judgment. His requests that the Defendants be “penalized,” and for the Court to provide him with copies of the documents at issue are denied.

**IT IS, THEREFORE, ORDERED** that the Plaintiff’s “Motion for Reconsideration & Request for ‘Original Documents Back’” [Doc. 88] and “Motion for Extension of Time & Motion for Re-View of Order (Objection To) Filed ‘10-21-24’” [Doc. 89] are **GRANTED IN PART AND DENIED IN PART** as stated in this Order.

The Plaintiff shall have until December 20, 2024 to file a superseding dispositive motion and/or a supplemental response to the BCJ Defendants’ Motion for Summary Judgment.

**IT IS SO ORDERED.**

Signed: November 25, 2024



Kenneth D. Bell  
United States District Judge



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<sup>3</sup> The Court has determined that it need not await a response from the NCDAC Defendant, or a reply from the Plaintiff, in order to resolve these matters.