

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF NORTH CAROLINA
 CHARLOTTE DIVISION
 DOCKET NO. 3:13-cv-00159-FDW-DCK

JEFFERY RANDOLPH WATTERSON and)
 RANDOLPH ALEXANDER WATTERSON,)

Plaintiff,)

vs.)

WOODY BURGESS, JASON GREEN,)
 FRANKIE DELLINGER, JENNIFER HOYLE,)
 DAVID HODKINS, BOB AUSTELL, MIKE)
 ALLRED, DAVID HODKINS, CITY OF)
 CHERRYVILLE, BEN BLACKBURN,)
 SELECTIVE INS. OF S.C., CHERRYVILLE)
 CITY POLICE DEPARTMENT AND)
 CHERRYVILLE UTILITIES DEPT.,)

Defendants.)

ORDER

THIS MATTER is before the Court on Plaintiff Randolph Alexander Watterson’s Pro Se “Motion for Assistance Collecting Judgment,” Doc. No. 297, and “Pro Se Motion to Enforce Judgement or in the Alternative Show Cause,” Doc. No. 298.

In short, Plaintiff Randolph Alexander seeks assistance by the Court in collecting on the judgments entered in this matter against Defendant Jennifer Hoyle (Docs. Nos. 242, 296) entitling Plaintiff to recover a total of \$368 from Defendant Hoyle. To the extent Plaintiff requests the Court reconsider the amounts awarded in the judgment, the Court DENIES those portions of his motions for the reasons stated in the Court’s prior orders.

In the “Motion for Assistance,” Plaintiff asks this Court “to send me the necessary forms to file against Jennifer Hoyle . . . [who] has refused to pay” the judgment. (Doc. No. 297, p. 1.) The Court GRANTS this portion of the motion. In light of Plaintiff’s pro se status and the fact he

remains incarcerated, the Court will respectfully direct the Clerk's office to provide a hard copy of the form documents found on the Court's public website as a Writ of Execution (DC11) packet, including all linked documents contained therein.


Turning to Defendant's "Motion to Enforce Judgment," the Court DENIES those portions of the motion seeking to recover the judgment from any other Defendant than Defendant Hoyle. The Court DENIES WITHOUT PREJUDICE the remaining portions of the motion seeking a show cause order against Defendant Hoyle. Notwithstanding Hoyle's demonstrated indifference to her obligations under this Court's orders, such motion is premature at this juncture in light of the Court's ruling granting Plaintiff's request for the Writ of Execution forms. Accordingly, the denial of this motion is without prejudice to Plaintiff's ability to seek a show cause order, if appropriate, with a renewed motion if a writ of execution is inadequate in this case.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Assistance Collecting Judgment," Doc. No. 297, is GRANTED IN PART and DENIED IN PART. The Clerk is respectfully DIRECTED to provide a hard copy of the form documents found on the Court's public website as a Writ of Execution (DC11) packet, including all linked documents contained therein, along with a copy of this Order to Plaintiff Randolph Watterson's address of record.

IT IS FURTHER ORDERED that Plaintiff's "Pro Se Motion to Enforce Judgment or in the Alternative Show Cause," Doc. No. 298, is DENIED WITHOUT PREJUDICE to be refiled if a writ of execution is inadequate in this case.

IT IS SO ORDERED.

Signed: September 22, 2020


Frank D. Whitney
United States District Judge

