

DISTRICT COURT OF THE UNITED STATES
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:13-cv-595-FDW

LOWELL MASON VARNEY,)
)
 Plaintiff,)
)
 vs.)
)
FNU MULLISK, et al.,)
)
 Defendants.)
_____)

ORDER

THIS MATTER is before the Court on Plaintiff’s Motion to Compel Production of Medical Records, (Doc. No. 35), on Plaintiff’s Motion for Production of Documents, (Doc. No. 51), and on Plaintiff’s Motion for Subpoena/Summons, (Doc. No. 54).


First, as to Plaintiff’s Motion to Compel Production of Medical Records, (Doc. No. 35), the motion is denied. As Defendant has explained in the response to the motion to compel, when Plaintiff filed the motion to compel, the time had not expired for Defendant to respond to Plaintiff’s first request for production of documents. See (Doc. No. 38). Therefore, the motion to compel is denied.

Next, as to Plaintiff’s Motion for Production of Documents, (Doc. No. 51), and Plaintiff’s Motion for Subpoena/Summons, (Doc. No. 54), pursuant to Local Rule 26.2 and the Court’s scheduling order entered on October 16, 2015, all discovery requests in this matter are to be served on the parties, and discovery requests are not to be filed with the Court. (Doc. No. 34). Thus, Plaintiff shall serve his discovery requests on Defendant, rather than filing a motion with the Court seeking this discovery. To the extent that Plaintiff seeks, in his motion for subpoena/summons, for this court to subpoena various witnesses so that the witnesses can

produce statements regarding the alleged excessive force incident at issue, the Court in its discretion declines to do so.

IT IS THEREFORE ORDERED that:

- (1) Plaintiff's Motion to Compel Production of Medical Records, (Doc. No. 35), Plaintiff's Motion for Production of Documents, (Doc. No. 51), and Plaintiff's Motion for Subpoena/Summons, (Doc. No. 54), are **DENIED**.


Frank D. Whitney
Chief United States District Judge

