

DISTRICT COURT OF THE UNITED STATES  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:14-cv-378-FDW

LEONARD A. GIVENS, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 DAVID AARON, et al., )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** comes before the Court on Plaintiff’s Motion for Court to Issue Subpoena, (Doc. No. 46), and on Defendants’ Motion for Extension of Time to Respond to Discovery Requests, (Doc. No. 48).

Plaintiff filed this action on July 9, 2014, pursuant to 42 U.S.C. § 1983, in which he alleges that on December 12, 2013, some of the named Defendants sexually assaulted Plaintiff and other Defendants failed to intervene in the sexual assault. On September 14, 2015, this Court entered a Pretrial Order and Case Management Plan, setting the deadline for discovery as January 12, 2016, and setting the deadline for dispositive motions as February 2, 2016.

On November 17, 2015, Plaintiff filed a Motion for Court to Issue Subpoena. In Plaintiff’s motion, he requests that the clerk of court “issue a ‘subpoena’ which orders the official to bring those records with him to the deposition.” (Doc. No. 46). Plaintiff is presumably referring to records that he has requested from Defendants in his discovery requests. The motion for the court to issue a subpoena will be denied. First, the motion refers to an “official,” but Plaintiff has not identified any such official. Furthermore, Plaintiff references a deposition, but no depositions have been scheduled yet in this matter. Finally, to the extent that

Plaintiff seeks to obtain discovery through his motion, Defendants have noted in their response to the motion that they are in the process of responding to Plaintiff's discovery requests at this time. For all of these reasons, Plaintiff's motion is denied.

Next, Defendants seek an extension of time to respond to Plaintiff's discovery requests until January 12, 2016. Defendants also request that the dispositive motion deadline be extended to March 11, 2016. The Court will grant Defendants' motion for extension of time.

Finally, the Court notes that Plaintiff has filed a First Request for Production of Documents with the Court. (Doc. No. 47). As the Court noted in the Pretrial Order and Case Management Plan, discovery requests are to be submitted directly to Defendants and not filed with the Court.

**IT IS THEREFORE ORDERED** that:

- (1) Plaintiff's Motion for Court to Issue Subpoena, (Doc. No. 46), is **DENIED**.
- (2) Defendants' Motion for Extension of Time to Respond to Discovery Requests and File Dispositive Motions, (Doc. No. 48), is **GRANTED**. Defendants shall have up to and including January 12, 2016, to respond to the discovery served by Plaintiff in November 2015—specifically, Plaintiff's First Set of Interrogatories and First Request for Production of Documents. The parties shall have until March 11, 2016, to file dispositive motions.

Signed: December 1, 2015



Frank D. Whitney  
Chief United States District Judge

