

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:14-cv-651-FDW**

CHRISTOPHER OXENDINE-BEY,)
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Plaintiff,)
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vs.)
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JOHN MITCHELL, et al.,)
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Defendants.)

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ORDER

THIS MATTER comes before the Court on Plaintiff’s Motion to Stay Defendants’ pending Motion for Summary Judgment. (Doc. No. 71).


In this action, filed pursuant to 42 U.S.C. § 1983, Plaintiff asserts that Defendants were deliberately indifferent and failed to protect Plaintiff in connection with two mutual confrontations that occurred while Plaintiff was housed at Lanesboro Correctional Institution in 2014. Defendants filed their pending summary judgment motion on March 11, 2016. (Doc. No. 50). On March 22, 2016, Plaintiff filed various documents in opposition to Defendants’ Motion. (Doc. No. 65). On March 28, 2016, Defendants filed a Reply to Plaintiff’s Response. (Doc. No. 66). Subsequent to the filing of Defendants’ Reply, Plaintiff has filed numerous repetitive documents in opposition to Defendants’ Motion. On April 5, 2016, Plaintiff filed a document titled “Plaintiff’s Additional Facts and Arguments in Opposition to the Defendants’ Motion for Summary Judgment.” (Doc. No. 67). On April 8, 2016, Plaintiff filed a “Sur-reply.” (Doc. No. 69). On April 26, 2016, Plaintiff filed the pending “motion to stay the Defendants’ motion for summary judgment.” (Doc. No. 71).

Plaintiff's motion to stay is denied for the reasons stated in Defendants' opposition to the motion to stay. Specifically, as Defendants explain in their response brief, Plaintiff appears to be seeking a stay of dispositive motions so that additional discovery can take place. Plaintiff did not, however, seek an extension of the dispositive motion deadline before the deadline. Furthermore, Defendants note that Plaintiff's claims in this case involve two mutual confrontations, both of which occurred in 2014. In discovery and/or with their summary judgment, Defendants have already produced all relevant documents to Plaintiff regarding Plaintiff and the assaults in this case. In his motion to stay, Plaintiff presents a general, rambling attack on Lanesboro. Plaintiff appears to seek documents that are not related to the two assaults involved in this case but to Lanesboro in general. That is, Plaintiff seeks a massive and vast amount of information relating to alleged incidents and inmates unrelated to Plaintiff's claims. Plaintiff also seeks personnel files and other institutional documents that have no bearing on Defendants, Plaintiff's assaults, and the claims asserted herein. Plaintiff has, therefore, not presented any justifiable reasons for the Court to grant the motion to stay Defendants' summary judgment motion. For all these reasons, and for the reasons explained in Defendants' opposition brief, the Court denies Plaintiff's motion to stay.

IT IS THEREFORE ORDERED THAT:

- (1) Plaintiff's Motion to Stay, (Doc. No. 71), is **DENIED**.
- (2) Furthermore, the Court will enter a ruling on Defendants' pending summary judgment motion forthwith.

Signed: August 15, 2016


Frank D. Whitney
Chief United States District Judge 