

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:15CV381

CEDRIC JACOBS, )  
 )  
 Plaintiff, )  
 )  
 Vs. )  
 )  
 UNITED PARCEL SERVICE, )  
 INC., )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

ORDER

This matter is before the Court the Plaintiff's Motion and Declaration to Vacate the Order of this Court granting summary judgment in favor of the Defendant. Defendant filed a Motion for Summary Judgment on September 12, 2016. The Court issued a *Rosboro* notice to the *pro se* Plaintiff on September 21, setting a response deadline of October 11. When Plaintiff failed to respond, the Court granted Defendant's motion on October 12. Plaintiff thereafter filed the present motion representing to the Court that he had never received the Court's September 21 *Roseboro* Order. The Order was sent to Plaintiff by certified mail, return receipt requested, however, no return receipt was received. Along with his Motion to Vacate, Plaintiff included his opposition to the Defendant's Motion for Summary Judgment.

The Court will vacate the judgment and allow the Defendant an opportunity to file a Reply within seven days of the date of entry of this Order. The Court will thereafter proceed to decide the motion on its merits.

IT IS SO ORDERED.

Signed: November 10, 2016



Graham C. Mullen  
United States District Judge

