

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:17-CV-101-RJC-DCK**

ERIC MCGHIE,

Plaintiff,

v.

**SHERIFF DEPUTY G. HEADEN;
MECKLENBURG COUNTY; SHERIFF
JOHN DOE; JOHN DOE THE
LOCKSMITH; and JOHN DOE THE
PHOTOGRAPHER,**

Defendants.

ORDER

THIS MATTER IS BEFORE THE COURT on Plaintiff's "Motion To Amend" (Document No. 14); "Motion To Compel Discovery" (Document No. 16); and "Motion To Strike Response To Admission And Production" (Document No. 17). These motions have been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b), and are ripe for disposition. Having carefully considered the motions and the record, the undersigned will deny the motions.

In a "Memorandum And Recommendation" filed along with this "Order," the undersigned finds good cause to recommend the dismissal of this lawsuit. Based on that decision, the undersigned finds that Plaintiff's pending motions should be denied as moot. If the Honorable Robert J. Conrad, Jr. declines to adopt the "Memorandum And Recommendation," Plaintiff may re-file his motions, as necessary and appropriate.

The undersigned notes that in some cases this Court will deny a motion to dismiss where a motion to amend has been filed and is granted. However, in this case, Plaintiff's "Motion To Amend" (Document No. 14) is not entitled to be granted "as a matter of course" pursuant to

Fed.R.Civ.P. 15(a); nor does it purport to add any facts or authority that would cause the undersigned to recommend that the Complaint should not be dismissed. In fact, the proposed amendment only alters one line of the requested relief – striking Plaintiff’s request to be “restored to his house.” See (Document No. 14, p.1; Document No. 1, p.9).

IT IS, THEREFORE, ORDERED, that Plaintiff’s “Motion To Amend” (Document No. 14); “Motion To Compel Discovery” (Document No. 16); and “Motion To Strike Response To Admission And Production” (Document No. 17) be **DENIED AS MOOT**.

SO ORDERED.

Signed: July 10, 2017



David C. Keesler
United States Magistrate Judge

