

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:17-CV-00638-RJC-DSC**

<b>MICHAEL LEE GREENE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>KEVIN R. MULLIS et. al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

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**THIS MATTER** is before the Court sua sponte following review of pro se Plaintiff’s Motion to Compel (Doc. No. 127) and Defendant Town of Lilesville’s Response (Doc. No. 128).

In a brief (Doc. No. 110) responding to Plaintiff’s initial Motion to Compel (Doc. No. 106) production of Defendant Mullis’ personnel files and employment records, Defendant Town of Lilesville stated that it “w[ould] provide these documents upon receipt of a protective order signed by all parties.” Doc. No. 110 at 2.

By Text-Only Order entered January 12, 2023, the Court ordered “[w]ithin fourteen days of entry of a protective order, Defendant Town of Lilesville shall produce Defendant Mullis’ personnel files and employment records.” Id.

On January 19, 2023, the Court entered a Consent Protective Order (Doc. No. 118).

On March 10, 2023, Plaintiff filed the present Motion to Compel (Doc. No. 127) again seeking to compel production of Defendant Mullis’ personnel files and employment records. In response, Defendant has attached to its brief its “Supplemental Discovery Response” served March 15, 2023 (Doc. No. 128-1). Defendant states it “has no documents responsive to [those] requests.”

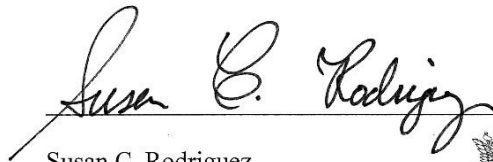
Id. Defendant offers no explanation of this apparent inconsistency in its representations. Compare (Doc. No. 110 at 2 and Doc. No. 128-1).

**NOW THEREFORE IT IS HEREBY ORDERED that:**

1. Within twenty-one days of this Order, Defendant Town of Lilesville shall file a supplemental brief explaining the inconsistency between its statements and further explaining its present contention that it does not possess Defendant Mullis' personnel files and employment records.
2. The Clerk is directed to send copies of this Order to the pro se parties, to counsel for Defendant Town of Lilesville, and to the Honorable Robert J. Conrad, Jr.

**SO ORDERED.**

Signed: April 5, 2023

  
Susan C. Rodriguez  
United States Magistrate Judge

