

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:19-CV-00128-GCM**

**CHRISTOPHER D. ELLERBE,**

**Plaintiff,**

**v.**

**JOHN A HERRING,  
KEVIN INGRAM,  
FNU RUE,  
KEITH LAMBERT,  
FNU SELLERS,  
FNU PRESTON,**

**Defendants.**

**ORDER**

**THIS MATTER** comes before the Court on its own motion. Trial in this matter is mere days away. The Court has learned that a key participant has been ill with COVID-19 and continues to experience symptoms. In order to protect the safety of jurors, court personnel, and the parties, the trial must be continued.

**IT IS THEREFORE ORDERED** that:

1. Trial in this matter is **CONTINUED** to a date to be determined by separate order.
2. The writ of habeas corpus ad testificandum for Plaintiff (ECF No. 69) is **VACATED**.
3. The Clerk is respectfully directed to **TRANSMIT A COPY** of this Order to all parties; the U.S. Marshal; the Warden of the Alexander Correctional Institution, 633 Old Landfill Road, Taylorsville, NC 28681; and Joyce Meadows, NCDPS Administrative Specialist for Writs, joyce.meadows@ncdps.gov.

**SO ORDERED.**

Signed: May 10, 2022

  
Graham C. Mullen  
United States District Judge 