

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:13-cv-175-FDW**


ROBERT S. BALLARD,)
)
 Plaintiff,)
)
 vs.)
)
 NC DEPARTMENT OF)
 PUBLIC SAFETY,)
 MARTA M. KALINSKI, Doctor,)
 PAULA SMITH, Doctor, Director of)
 Health Services,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court on Plaintiff’s Motion to Compel Discovery, (Doc. No. 46). In support of the motion, Plaintiff asserts that he has served various discovery requests on Defendant Kalinski, but that Defendant has not responded to the requests. When Plaintiff filed the motion to compel, the discovery period had not commenced; thus, Defendant was under no obligation to respond to Plaintiff’s discovery requests at that time. The Court has now entered a pretrial order and case management plan and discovery has now commenced. Thus, Plaintiff may wish to re-serve his discovery requests on Defendant at this time.

IT IS, THEREFORE ORDERED that Plaintiff’s Motion to Compel, (Doc. No. 46) is **DENIED** to the extent that the discovery period had not commenced when Plaintiff filed the motion.

Signed: February 25, 2015



Frank D. Whitney
Chief United States District Judge

