

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Herbert Demond York,)	C/A No.: 1:16-3972-RMG-SVH
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Ofc. T. Starks; Ofc. Lovine; Major Jackson; and Juan Estrada,)	
)	
Defendants.)	
)	

Herbert Demond York (“Plaintiff”), proceeding pro se and in forma pauperis, filed this action pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights by the following employees of the South Carolina Department of Corrections: Officer T. Starks, Officer Lovine, Major Jackson, and Juan Estrada (“Defendants”). This matter comes before the court on Plaintiff’s motion to compel [ECF No. 57] and on Defendants’ motions to compel [ECF No. 60] and for an extension of time [ECF No. 61].

I. Plaintiff’s Motion to Compel

Plaintiff filed a motion to compel on June 8, 2017 [ECF No. 57], requesting Defendants respond to his first requests for production of documents, which he alleges he served on March 31, 2017. Plaintiff did not attach the discovery requests. On June 22, 2017, Defendants responded by stating that they were first served with discovery requests from Plaintiff on May 25, 2017, to which counsel was preparing timely responses. [ECF No. 58]. Plaintiff did not file a reply. Therefore, Plaintiff’s motion to compel is denied as moot.

II. Defendants' Motion to Compel and for an Extension

Defendants filed their motion to compel on July 13, 2017. [ECF No. 60]. Defendants state they served Plaintiff with discovery requests on March 16, 2017. After receiving several extensions, Plaintiffs' responses were due July 5, 2017. *Id.* As of the date of Defendants' motion, Plaintiff failed to serve responses to Defendants' discovery requests. *Id.* The undersigned grants Defendants' motion to compel and directs Plaintiff to serve Defendants with discovery responses by August 4, 2017. Plaintiff is warned that no further extensions will be granted and failure to serve discovery responses may result in a recommendation that this matter be dismissed for Plaintiff's failure to participate in discovery.


The current deadline for the completion of discovery in this case is July 5, 2017, and the dispositive motions are due by July 19, 2017. Defendants request an extension of the dispositive motion deadline until Plaintiff serves his discovery responses. [ECF No. 61]. The court grants the motion and extends the deadline for filing dispositive motions to September 1, 2017.

III. Conclusion

For the foregoing reasons, Plaintiff's motion to compel [ECF No. 57] is denied as moot and Defendants' motion to compel [ECF No. 60] and motion for an extension [ECF No. 61] are granted.

IT IS SO ORDERED.

July 14, 2017
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge