



this filing” and for summary judgment<sup>1</sup> to be extended. ECF No. 110. Plaintiff asserts that numerous circumstances prevented him from filing anything prior to December 1, 2017, including a lock down for the month of November, failure of the mail room to make copies for him and the unavailability of a notary public.

An Amended Scheduling Order (ECF No. 106) was entered in this case on September 12, 2017, providing a discovery deadline of November 13, 2017. The scheduling order states that “all discovery requests shall be served in time for the responses thereto to be served by this date.” Plaintiff had sufficient time prior to the lock down and subsequent events in the month of November to conduct his discovery. Plaintiff did not serve these discovery requests on Defendants as required by Rules 33 and 34 of the Federal Rules of Civil Procedure prior to filing his motion. The court does not become involved in discovery matters until requests have been made pursuant to the Rules and a dispute arises thereafter. Thus, Plaintiff’s requests are both untimely with no good cause for an extension and procedurally infirm.<sup>2</sup> As such, his motions are **DENIED**.

**IT IS SO ORDERED.**

s/Thomas E. Rogers, III  
Thomas E. Rogers, III  
United States Magistrate Judge

February 14, 2018  
Florence, South Carolina

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<sup>1</sup>At the time Plaintiff filed his request, no motion for summary judgment had been filed.

<sup>2</sup>Further, his request for “[t]apes that Southern Health Partners, Inc. have previously denied were taped” has already been addressed in an Order (ECF No. 76) on a previous Motion to Compel. Plaintiff’s Motion was denied because Southern Health Partners provided by way of affidavit that no such tapes exist. Plaintiff asserts that, based on additional discovery, he knows that Dr. Bush did make such tapes. Dr. Bush has provided an additional affidavit stating that no such tapes exist, he dictated information regarding sessions with Plaintiff, and Plaintiff has received the printed copies of that dictation, which are stamped “dictation.” Bush Aff. ¶ 2 (ECF No. 114-1).