

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

DARRELL GREEN,)	C/A No. 4:18-0114-RBH-TER
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
S/A TREVOR HOWLETT; S/A GLENN)	
WOODS; AGENT CASEY JONES; AGENT)	
DERRICK SUGGS; OFC. SHANE KEITH,)	
)	
Defendants.)	
_____)	

Presently before the court is Plaintiff’s motion entitled “Motion for Summary Judgment” filed August 3, 2018. (ECF#62). Plaintiff filed his Motion for Summary Judgment asserting “Defendants fail to produce production of documents that Plaintiff request” and are in default of the court’s order of June 28, 2018. Defendants filed a response in opposition on August 17, 2018. (ECF#64).

This motion is improperly filed pursuant to Rule 56 of the Federal Rules of Civil Procedure and Rule 7 of the Local Rules for the District of South Carolina. It appears Plaintiff is attempting to seek sanctions under Rule 37 of the Federal Rules of Civil Procedure. However, the court denied Plaintiff’s Motion to Compel because it was not proper in that he had not served discovery on the Defendants prior to filing the motion. Specifically, this court entered an order on June 28, 2018, in response to Plaintiff’s “Motion for Production of Evidence Discovery” in which Plaintiff

requested seven documents for the first time. Defendants filed a response stating that they had not previously received any discovery requests from Plaintiff but would consider the motion as Plaintiff's first set of requests for production of documents under Rule 34, FRCP, and would respond accordingly within thirty days from the date of the order. In the order, the court noted that it does not enter the discovery process, which is governed by the Federal Rules of Civil Procedure. (ECF #58).

Therefore, the court will liberally construe this motion as a Motion to Compel. Along with their response, Defendants attached a letter dated July 31, 2018, addressed to the Plaintiff enclosing responses to Plaintiff's First Set of Requests for Production of Documents. (ECF #64-1 at 1). Plaintiff filed a letter with the court on August 13, 2018, stating that he received the documents but that he could not identify the Judge who signed the documents, the documents had misprints, and there was not a file stamp to show proof the documents were filed. (ECF #63).

Plaintiff's Motion to Compel is denied because Plaintiff did not comply with Local Civil Rules 37.01(A) and(B), D.S.C. when he failed to attach the relevant discovery requests and responses to his motion as supporting documentation.

IT IS SO ORDERED.

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

September 18, 2018
Florence, South Carolina