

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

Andrew Marshall McElrath, #336981, )  
)  
Plaintiff, )  
)  
vs. )  
)  
Chris Golden; Clay Conyers; Anthony )  
Cotton; Thomas Burgess; Christopher )  
Voll; Sheriff John Skipper; Lt. Chris )  
Vaughn, HA Barnett, all in their individual )  
and official capacities, and Anderson )  
County Sheriff’s Office, )  
)  
Defendants. )

C/A No. 8:14-cv-00785-BHH-KDW

ORDER

Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983. This matter is before the court on Plaintiff’s Motion for Issuance of a Subpoena, ECF No. 135, Motion to Strike, ECF No. 136, and Motion for an Order Compelling Response, ECF No. 139. All of Plaintiff’s Motions relate to Defendants’ purported failure to respond to Plaintiff’s Motion for Partial Summary Judgment, ECF No. 115. Defendants have responded to Plaintiff’s Motions. ECF Nos. 141, 143, and 152.

Plaintiff’s Motions are denied as moot. The case Docket reflects that Defendants filed a Response in Opposition to Plaintiff’s Motion for Partial Summary Judgment on October 31, 2014. ECF No. 124. Furthermore, Defendants maintain that they served Plaintiff with their Response by mail on October 31, 2014, ECF No. 143, and Defendants’ certificate of service, ECF No. 143-1, indicates that Defendants’ served Plaintiff with their Memorandum in Opposition of Plaintiff’s Motion for Summary Judgment on October 31, 2014. Additionally, Defendants provided the court with an Affidavit from Beth Tidwell, the Administrative Assistant to the Agency Mailroom Coordinator with the S.C. Department of Corrections, who avers that

Plaintiff received a legal correspondence from Defense Counsel on November 4, 2014, and Plaintiff signed to acknowledge receipt of the mail on November 5, 2014. ECF No. 143-2. However, Tidwell indicated that the prison mailroom staff sent the correspondence to the Correspondence Review Committee at SCDC Headquarters for review because they observed what they believed to be questionable content. *Id.* ¶ 4. The approved correspondence was sent back to Ridgeland Correctional Institution for Plaintiff's receipt on November 25, 2014. *Id.* ¶ 5. Furthermore, in his Motion for Default Judgment, Plaintiff indicates that he has now received Defendants' Response. ECF No. 154. Accordingly, Plaintiff's Motions, ECF Nos. 135, 136, and 139 are denied as moot.

**IT IS SO ORDERED.**

January 14, 2015  
Florence, South Carolina

A handwritten signature in black ink, reading "Kaymani D. West". The signature is written in a cursive, flowing style.

Kaymani D. West  
United States Magistrate Judge