

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

GENE DRISKILL, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	No. 3:10-CV-65
)	(VARLAN/SHIRLEY)
V.)	
)	
GRANT ROSENBERG, <i>et al.</i> ,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and the order of the District Judge [Doc. 28] referring Plaintiffs Tom Driskill, Sr., and Gene Driskill’s Motion to Investigate the Ethics of the Knox County Law Director’s Office [Doc. 27] to the undersigned for disposition.

In their motion, the Plaintiffs state that they did not receive notice of the Motion for Summary Judgment filed in this case. The Plaintiffs report that at 1:00 a.m. on May 12, 2011, Tom Driskill Sr. checked his post office box and retrieved two notices from the Court about a trial or hearing in this case. [Doc. 27 at 3-4]. The Plaintiffs have not attached these notices to their motion, and the Court cannot determine from the Plaintiffs’ statements what notices these were. [Doc. 27 at 3]. The Plaintiffs state that they were told their “Court date” was June 6, 2011. [Doc. 27 at 3]. Thereafter, the Plaintiffs make a blanket statement about their lack of rights and accusing employees of Knox County, Tennessee, being “above the law.” [Doc. 27 at 3].

The Plaintiffs do not state a prayer for relief in their motion, but from the title of the motion, the Court will assume that they are requesting that the Court order an investigation of the Knox

County, Tennessee Law Director's office.

The Knox County Law Director's Office has responded to the Plaintiffs' motion on behalf of Defendants Grant Rosenberg and the Knox County Mayor. The Defendants state that on February 22, 2011, a copy of the Defendants' Motion for Summary Judgment and Brief in Support of Defendants' Motion for Summary Judgment were served on each Plaintiff. [Doc. 29 at 1]. In support of this statement, the Defendants have attached the Affidavit of Paula McCroskey [Doc. 29-1]. The Defendants also note that on the same day the Court sent a notice of electronic filing via United States Postal Service to the Plaintiffs at P.O. Box 27662, Knoxville, Tennessee 37927, [see Doc. 29-2]. On April 29, 2011, the Court sent notice that the Defendants' Motion for Summary Judgment had been granted to the Plaintiffs via United States Postal Service at the above address, [Doc. 29 at 2, see also Doc. 25 activity log].

The Defendants note that the Plaintiffs have failed to comply with the Court's Scheduling Order [Doc. 14], and they contend that the instant motion fails to request any relief that can be granted. [Doc. 29 at 2].

The Court has thoroughly reviewed the Plaintiffs' motion and finds as follows. The evidence in the record indicates that the Plaintiffs have been afforded appropriate notice of all filings and proceedings in this case. Specifically, there is no evidence in the record to indicate that the Plaintiffs were not properly served with the Defendants Motion for Summary Judgment and Brief in Support. To the contrary, all evidence in the record, other than the Plaintiffs' assertions, indicates that the Plaintiffs were properly served. None of the mail sent to the Plaintiffs was returned as undeliverable.

Further, the Court finds that the Plaintiffs' motion does not contain a valid request for relief. The Plaintiffs have not directed the Court to any authority pursuant to which the Court may

undertake an investigation of a municipality or institute an investigation of counsel for an opposing party. More importantly, the Plaintiffs have not shown good cause for doing so.

Finally, to the extent the Plaintiffs, intend to request that the grant of summary judgment in this case be vacated, they may request such relief in a motion directed to the district judge.

Accordingly, the Court finds that the Motion to Investigate the Ethics of the Knox County Law Director's Office [**Doc. 27**] is not well-taken, and it is **DENIED**.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge