

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, MACON DIVISION

Anthony J. Oliver v. Commissioner Tyrone Oliver, Field Director
Stan Shepard, and Deputy Field Director Benjamin Ford

Oliver · No. 5:24-cv-182-CAR · Decided December 5, 2025

SUMMARY

The United States District Court for the Middle District of Georgia addresses several pro se plaintiff motions in an incarcerated plaintiff’s civil rights action under 42 U.S.C. § 1983. The Court extends the discovery and dispositive-motion deadlines but denies motions seeking expanded discovery, sanctions, appointed counsel, joinder and amendment, an inmate interview, sealing, and a preliminary injunction for law-library access.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Macon Division
WRITING FOR THE COURT	C. Ashley Royal
JURISDICTION	United States District Court for the Middle District of Georgia, Macon Division
DECIDED	December 5, 2025
DOCKET	5:24-cv-182-CAR
DISPOSITION	other
PROCEDURAL POSTURE	In a pending prisoner civil-rights action, the pro se plaintiff moved to extend discovery, obtain additional discovery, strike the defendants' answer and enter default judgment, appoint counsel, amend the complaint and add parties, interview incarcerated witnesses, file confidential material under seal, and obtain a preliminary injunction requiring law-library access.
STANDARD OF REVIEW	The Court applied the good-cause and excusable-neglect standards for extending an expired scheduling deadline, the Rule 16(b) good-cause standard for amendments sought after a scheduling deadline, and discretionary standards governing appointment of counsel, discovery limits, sealing, sanctions, and preliminary injunctive relief.

TOPICS

discovery dispute

motion to amend

injunctions

subject matter jurisdiction

prisoners rights

PRACTICE AREAS

civil procedure

civil rights

prisoners rights

constitutional law

remedies

QUESTIONS PRESENTED

1. Whether Plaintiff established good cause and excusable neglect to reopen the expired discovery deadline.
2. Whether Plaintiff should be permitted to serve written discovery exceeding the limits of the Federal and Local Civil Rules.
3. Whether sanctions, default judgment, or striking the defendants' answer was warranted based on the defendants' responses to requests for admission.
4. Whether exceptional circumstances warranted appointment of counsel for the pro se prisoner.
5. Whether Plaintiff established good cause under Rule 16(b) to amend the complaint and add parties after the scheduling deadline.
6. Whether Plaintiff should be permitted to conduct a remote interview of an incarcerated nonparty witness.
7. Whether Plaintiff could prospectively redact and seal documents that had not yet been submitted for in camera review.
8. Whether the Court had jurisdiction to enjoin nonparty prison officials and whether Plaintiff showed an actual injury or irreparable harm from alleged denial of law-library access.

HOLDINGS

1. A party seeking to reopen an expired discovery deadline must show both good cause and excusable neglect; Plaintiff made that showing, so the Court extended discovery to January 6, 2026, and the dispositive-motions deadline to February 6, 2026.
2. Plaintiff was not entitled to serve the requested 167 requests for production, 120 requests for admission, and 200 interrogatories because the requests exceeded the applicable Federal and Local Civil Rule limits; he could conduct discovery only within those limits.
3. A prisoner asserting civil-rights claims has no absolute constitutional right to appointed counsel, and appointment under 28 U.S.C. § 1915(e)(1) requires exceptional circumstances; Plaintiff did not establish exceptional circumstances.
4. When a motion to amend is filed after the deadline in a scheduling order, the movant must first demonstrate good cause under Rule 16(b); Plaintiff failed to do so, so leave to file a second amended complaint and add parties was denied.

5. The Court lacked jurisdiction to enjoin prison officials who were not parties to the action, and Plaintiff also failed to show an actual injury or irreparable harm caused by denial of law-library access; the preliminary-injunction motion was denied.

KEY QUOTATIONS

“A party seeking the extension of an already-expired scheduling order [discovery] deadline must show both good cause and excusable neglect.” (Discussion § I)

“The key is whether the pro se litigant needs help in presenting the essential merits of his or her position to the court.” (Discussion § IV)

“The mere inability of a prisoner to access the law library is not, in itself, an unconstitutional impediment.” (Discussion § VIII)

“An “inmate must show that this inability caused an actual harm, or in other words, unconstitutionally prevented him from exercising that fundamental right of access to courts[.]”” (Discussion § VIII)

FACTUAL BACKGROUND

Plaintiff is an incarcerated litigant pursuing a § 1983 civil-rights action against the named defendants. Discovery had expired, and Plaintiff sought additional written discovery far exceeding the limits in the Federal and Local Rules, appointment of new counsel, leave to amend, permission to interview an inmate at another institution, and permission to seal anticipated discovery materials. He also sought a preliminary injunction requiring access to a law library operated by prison officials who were not parties to the action.

PROCEDURAL HISTORY

The Court previously entered a scheduling order that closed discovery on June 9, 2025, and set a deadline for amendments to the pleadings. Plaintiff later proceeded pro se after the Court granted his request to terminate former counsel's representation. The Court granted an extension of discovery and the dispositive-motions deadline, but denied all other motions addressed in the order.

DISPOSITION

other

CASES CITED

- *Payne v. C.R. Bard, Inc.*, 606 F. App'x 940, 944 (11th Cir. 2015)
- *Kilgo v. Ricks*, 983 F.2d 189, 193 (11th Cir. 1993)
- *Poole v. Lambert*, 819 F.2d 1025, 1028 (11th Cir. 1987)
- *Redd v. Conway*, 160 F. App'x 858, 863 (11th Cir. 2005)
- *Bass v. Perrin*, 170 F.3d 1312, 1320 (11th Cir. 1999)
- *Sosa v. Airprint Sys., Inc.*, 133 F.3d 1417, 1418 (11th Cir. 1998)

- Sailem v. Emmons, No. 4:22-CV-0230-WMR-WEJ, 2025 WL 2094045, at *1 (N.D. Ga. Jan. 2, 2025), report and recommendation adopted sub nom. Sailem v. Ward, No. 4:22-CV-00230-WMR, 2025 WL 2094043 (N.D. Ga. May 28, 2025)
- In re Infant Formula Antitrust Litigation, MDL 878 v. Abbott Lab'ys., 72 F.3d 842, 842–43 (11th Cir. 1995) (per curiam)
- Akins v. United States, 204 F.3d 1086, 1090 (11th Cir. 2000)
- Lewis v. Casey, 518 U.S. 343, 351, 354 (1996)
- Oliver v. Ameris Bank, No. 21-13005, 2023 WL 6159997, at *1 (11th Cir. Sept. 21, 2023)
- Oliver v. Luner, 2:18-cv-02562, 2018 U.S. Dist. LEXIS 220345 (C.D. Cal. Sept. 26, 2018)
- Oliver v. City of Pooler, No. CV418-100, 2019 WL 1005198 (S.D. Ga. Feb. 28, 2019)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA
 MACON DIVISION ANTHONY J. OLIVER,: Plaintiff,: v.: No. 5:24-cv-182-CAR Commissioner
 TYRONE OLIVER,: Field Director STAN SHEPARD, and: Deputy Field Director BENJAMIN:
 FORD,: Defendants.: _____: ORDER Before the Court are
 pro se Plaintiff's Motion to Continue Discovery seeking to reopen the time for discovery [Doc.

51], Motion for Additional Discovery seeking to propound written discovery exceeding the limits under the Federal and Local Civil Rules [Doc. 52], Motion to Strike seeking to strike Defendants' Answer and enter default judgment against Defendants [Doc. 55], Motion to Appoint Counsel [Doc. 56], Motion for Joinder and to Add Parties seeking leave to file his Second Amended Complaint [Doc.

57], Motion for Leave to Interview Incarcerated Witnesses to Prepare for Trial seeking leave to remotely interview an inmate [Doc. 59], Motion for Leave to Redact and File Confidential Information under Federal Seal [Doc. 60], and Motion for Preliminary Injunction seeking law library access [Doc. 61].

For the reasons explained below, the Court GRANTS Plaintiff's Motion to Continue Discovery and EXTENDS the discovery period to January 6, 2026, and the dispositive motions deadline to February 6, 2026 [Doc. 51]. The Court DENIES Plaintiff's Motion for Additional Discovery [Doc. 52], Motion to Strike [Doc. 55], Motion to Appoint Counsel [Doc. 56], Motion for Joinder and to Add Parties [Doc.

57], Motion for Leave to Interview Incarcerated Witnesses to Prepare for Trial [Doc. 59], Motion for Leave to Redact and File Confidential Information Under Federal Seal [Doc. 60], and Motion for Preliminary Injunction [Doc. 61]. DISCUSSION I. Motion to Continue Discovery [Doc. 51] In his Motion to Continue Discovery, Plaintiff contends the time for discovery should be reopened because after Plaintiff decided to represent himself, defense counsel failed to timely provide Plaintiff with duplicate copies of written discovery provided to his former counsel in accordance

with this Court's Orders.¹ Under the Scheduling Order, the time for discovery expired on June 9, 2025.² "A party seeking the extension of an already-expired scheduling order [discovery] deadline must show both good cause and excusable neglect."³ Defendants do not oppose a re-opening and an extension of the discovery period through January 6, 2026, with a corresponding extension of the 1 Doc.

51. 2 Doc. 31. 3 *Payne v. C.R. Bard, Inc.*, 606 F. App'x 940, 944 (11th Cir. 2015) (citing Fed. R. Civ. P. 6(b)(1), 16(b)(4)). dispositive motions deadline through February 6, 2026, to enable Plaintiff to serve additional written discovery.⁴ The Court finds Plaintiff has shown both good cause and excusable neglect and GRANTS Plaintiff's Motion [Doc. 51.]

The Court EXTENDS the discovery period to January 6, 2026, and the dispositive motions deadline to February 6, 2026. II. Motion for Additional Discovery [Doc. 52] In his Motion for Additional Discovery, Plaintiff seeks permission to serve 167 requests for production of documents, 120 requests for admissions, and 200 interrogatories.⁵ According to defense counsel, Plaintiff's former counsel served only requests for admissions upon each of the Defendants, and Plaintiff has not served any other written discovery upon Defendants.⁶ Other than his alleged financial inability to conduct depositions, Plaintiff offers no justification for this many written discovery requests which far exceed the number allowed under the Federal and Local Civil Rules.⁷ Accordingly, the Court DENIES Plaintiff's Motion [Doc.

52.] Plaintiff may serve written discovery upon Defendants to the extent allowed under the Federal Rules and the Local Civil Rules. Plaintiff may serve upon each Defendant no more than 10 requests for 4 Doc. 54. 5 Doc. 52 at 2. 6 Doc. 54 at 1. 7 Doc. 52 at 2. production of documents,⁸ 15 requests for admission,⁹ and 25 written interrogatories, including all discrete subparts.¹⁰ III.

Motion to Strike [Doc. 55] In his Motion to Strike, Plaintiff seeks this Court to impose sanctions upon Defendants for their failure to admit certain disputed facts in their Response to Plaintiff's requests for admission.¹¹ Plaintiff's arguments are baseless and frivolous.

Accordingly, the Court DENIES Plaintiff's Motion [Doc. 55]. IV. Motion to Appoint Counsel [Doc. 56] At this case's outset, McNeill Stokes represented Plaintiff.¹² Expressing his dissatisfaction with his counsel's abilities, Plaintiff moved to proceed pro se,¹³ and the Court granted his motion.¹⁴ In his Motion to Appoint Counsel, Plaintiff now contends his purported lack of access to a law library, photocopier, court forms, and/or paper and his claimed inability to depose Defendants and/or interview former or current offenders constitute exceptional circumstances entitling him to an appointment of new counsel more to his liking.¹⁵ But, "[p]risoners raising civil rights claims, like other civil litigants, 8 Local Civil Rule 34; Fed.

R. Civ. P. 34. 9 Local Civil Rule 36; Fed. R. Civ. P. 36. 10 Fed. R. Civ. P. 33(a)(1); Local Civil Rule 33.1. 11 Doc. 55. 12 Doc. 1. 13 Doc. 38. In his Motion to Appoint Counsel, Plaintiff falsely

represents that his former counsel moved to withdraw. Doc. 56 at 2. 14 Doc. 45. 15 Doc.

56. have no absolute constitutional right to counsel.”¹⁶ Under 28 U.S.C. § 1915(e)(1), “a court has broad discretion to appoint counsel for an indigent plaintiff in a civil case only if exceptional circumstances exist.”¹⁷ Exceptional circumstances include “the presence of ‘facts and legal issues [which] are so novel or complex as to require the assistance of a trained practitioner.’”¹⁸ “The key is whether the pro se litigant needs help in presenting the essential merits of his or her position to the court.”¹⁹ Plaintiff is an experienced pro se prisoner litigant,²⁰ and the straightforward factual and legal issues raised in this § 1983 suit are not too novel or complex for him to represent himself effectively as shown by his voluminous filings in this Court.

Indeed, Plaintiff’s seven recently-filed, citation-laden motions to which he attached documentary exhibits belie his claim that his lack of access to legal research materials, a photocopier, court forms, and/or paper constitutes an exceptional circumstance preventing him from presenting the essential merits of his case. And while Plaintiff’s confinement may restrict his ability to personally conduct certain depositions or interviews, such is true for all pro se prisoner litigants, and Plaintiff elected to terminate his former counsel’s representation.

Because exceptional circumstances do ¹⁶ *Kilgo v. Ricks*, 983 F.2d 189, 193 (11th Cir. 1993) (citing *Poole v. Lambert*, 819 F.2d 1025, 1028 (11th Cir. 1987)). ¹⁷ *Redd v. Conway*, 160 F. App’x 858, 863 (11th Cir. 2005) (citing *Bass v. Perrin*, 170 F.3d 1312, 1320 (11th Cir. 1999)). ¹⁸ *Kilgo*, 983 F.2d at 193 (quoting *Poole*, 819 F.2d at 1028). ¹⁹ *Id.* ²⁰ Courts have recognized Oliver is a vexatious pro se litigant and have imposed filing restrictions upon him.

See *Oliver v. Ameris Bank*, No. 21-13005, 2023 WL 6159997, at *1 (11th Cir. Sept. 21, 2023) (citing *Oliver v. Luner*, 2:18-cv-02562, 2018 U.S. Dist. LEXIS 220345 (C.D. Cal. Sep. 26, 2018)); *Oliver v. City of Pooler*, No. CV418-100, 2019 WL 1005198 (S.D. Ga. Feb. 28, 2019). not justify an appointment of new counsel, the Court DENIES Plaintiff’s Motion [Doc. 56].

V. Motion for Joinder and to Add Parties [Doc. 57] In his Motion for Joinder and to Add Parties, Plaintiff seeks leave to file a Second Amended Complaint adding defendants, asserting new claims, and alleging new facts.²¹ Plaintiff filed this Motion over nine months after the time for amendments to the pleadings had expired.²² Typically, the liberal standard under Fed.

R. Civ. P. 15(a) governs whether a court should grant leave to amend. Under Rule 15(a), the court should freely give leave to amend when justice so requires.²³ But, when a motion to amend is filed after the time set forth in the Court’s scheduling order, as here, the party must first demonstrate “good cause” under Rule 16(b).²⁴ The good cause standard “precludes modification unless the schedule cannot ‘be met despite the diligence of the party seeking the extension.’”²⁵ Here, Plaintiff fails to identify any applicable reason why good cause exists to justify granting his request so late in this case’s progression, and this Court finds none.

Accordingly, the Court DENIES Plaintiff's Motion [Doc. 57]. 21 Doc. 57; Second Amended Complaint, Doc. 58. 22 Doc. 57; Doc. 31 at 5. 23 Fed. R. Civ. P. 15(a). 24 See Fed. R. Civ. P. 16(b)(4); *Sosa v. Airprint Sys., Inc.*, 133 F.3d 1417, 1418 (11th Cir. 1998). 25 *Sosa*, 133 F.3d at 1418 (quoting Fed. R. Civ. P. 16 advisory committee's notes). VI. Motion for Leave to Interview Incarcerated Witnesses [Doc.

59] In his Motion for Leave to Interview Incarcerated Witnesses, Plaintiff seeks leave to interview through electronic means a non-party inmate currently incarcerated at Rogers State Prison who allegedly witnessed material facts.²⁶ Plaintiff seeks to interview his potential witness for two hours via a Zoom or Webex videoconference to prepare for summary judgment and trial, yet Plaintiff fails to identify how he will pay for the videoconference's costs or why readily available written discovery methods would be insufficient for his purposes.²⁷ "Plaintiff's request to orally interview [an] inmate[] at [an]other institution[] implicates obvious institutional security concerns and would require substantial cooperation and assistance from prison officials and facilities who are not parties to this action."²⁸ Because a remote interview between two inmates poses logistical, financial, and security concerns and written discovery methods are readily available, the Court DENIES Plaintiff's Motion [Doc.

59]. VII. Motion for Leave to Redact and File Confidential Information Under Federal Seal [Doc. 60] In his Motion for Leave to Redact and File Confidential Information Under Federal Seal, Plaintiff seeks leave to redact and file under seal certain documents he anticipates ²⁶ Doc. 59. ²⁷ *Id.* ²⁸ *Sailem v. Emmons*, No. 4:22-CV-0230-WMR-WEJ, 2025 WL 2094045, at *1 (N.D.

Ga. Jan. 2, 2025), report and recommendation adopted sub nom. *Sailem v. Ward*, No. 4:22-CV-00230-WMR, 2025 WL 2094043 (N.D. Ga. May 28, 2025). he will receive during discovery, yet he has neither described those documents with specificity nor submitted them to the Court [Doc. 60].

Because the Court has not had an opportunity to conduct an in camera review of these documents, the Court DENIES Plaintiff's Motion as premature [Doc. 60]. The Court ADVISES Plaintiff to submit the documents he seeks to redact and file under seal to the Court before he files a motion requesting the same. VIII. Motion for Preliminary Injunction [Doc. 61] In his Motion for Preliminary Injunction, Plaintiff seeks an injunction ordering Defendants to provide Plaintiff with access to a law library at Valdosta State Prison Annex where he is currently incarcerated.²⁹ Plaintiff alleges prison staff refuse to allow him to use the law library.

As explained in this Court's Order denying Plaintiff's prior Motion for Law Library Access,³⁰ officials at Valdosta State Prison are not a party to this action, and thus, the Court has no jurisdiction to enforce an injunction against them.³¹ Moreover, "[t]he mere inability of a prisoner to access the law library is not, in itself, an unconstitutional impediment."³² Rather, an "inmate

must show that this inability caused an actual harm, or in other words, unconstitutionally prevented him from exercising that 29 Doc.

61. 30 Order on Motion to Proceed Pro Se and Motion to Access Law Library, Doc. 45. 31 See *In re Infant Formula Antitrust Litigation*, MDL 878 v. Abbott Lab'ys., 72 F.3d 842, 842–43 (11th Cir. 1995) (per curiam) (court lacks subject matter jurisdiction to issue injunction against non-party). 32 *Akins v. United States*, 204 F.3d 1086, 1090 (11th Cir. 2000). fundamental right of access to courts[.]”33 To establish a relevant actual injury, the inmate must “demonstrate that the alleged shortcomings [in his access to] the library” or legal materials “hindered his efforts to pursue a legal claim[.]”34 Nevertheless, the right of access to the courts does not require the State to “enable the prisoner to litigate effectively once in court.”35 Notably, Plaintiff is an experienced pro se prisoner litigant.36 Plaintiff asserts his lack of access to legal research materials, specifically caselaw, results from a conspiracy led by Defendants and violates his right of access to the courts, but his seven citation-laden motions currently before the Court demonstrate his access to legal research materials is more than sufficient for him to pursue his legal claims.

For the third time,37 Plaintiff fails to show his right to access the courts has been violated, much less that any irreparable injury will result from his lack of law library access. Thus, the Court DENIES Plaintiff's Motion [Doc. 61]. CONCLUSION For the reasons explained below, the Court GRANTS Plaintiff's Motion to Continue Discovery and EXTENDS the discovery period to January 6, 2026, and the dispositive motions deadline to February 6, 2026 [Doc.

51]. The Court DENIES Plaintiff's Motion for Additional Discovery [Doc. 52], Motion to Strike [Doc. 55], Motion to Appoint 33 Id. 34 *Lewis v. Casey*, 518 U.S. 343, 351 (1996). 35 Id. at 354 (emphasis in original). 36 See supra note 22. 37 See Doc. 45; Order on Motions to Stay, Doc. 48. Counsel [Doc. 56], Motion for Joinder and to Add Parties [Doc. 57], Motion for Leave to Interview Incarcerated Witnesses to Prepare for Trial [Doc.

59], Motion for Leave to Redact and File Confidential Information Under Federal Seal [Doc. 60], and Motion for Preliminary Injunction [Doc. 61]. SO ORDERED, this 5th day of December, 2025.
s/ C. Ashley Royal_____ C. ASHLEY ROYAL, SENIOR JUDGE UNITED STATES DISTRICT COURT