

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:24-cv-00976-M-RN

CHARLES METCALFE,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

ORDER

This matter comes before the court on Charles Metcalfe's ("Metcalfe" or "Plaintiff") Motion to Expedite Consideration of Motion for Hearing and for Interim Relief ("Motion to Expedite") [DE 8]. As explained below, the Motion to Expedite [DE 8] is denied.

On September 10, 2026, Metcalfe and other plaintiffs filed a motion for hearing and other relief on the Camp Lejeune Justice Act ("CLJA") Master Docket ("Master EO Motion"). *See In re Camp Lejeune Litigation*, No. 7:23-cv-00897, [DE 913]. On September 15, 2026, Plaintiff re-filed his motion in the individual docket and moved the court for a hearing regarding the Department of Justice's administration of an Elective Option determination ("EO Motion") [DE 6] 1 n.1. On September 15, 2026, Plaintiff moved the court to expedite consideration of the EO Motion, shorten the response time for the United States to respond, set the EO Motion for hearing before September 27, 2026, order Plaintiff be deemed to not have declined an Elective Option ("EO") offer, and order the United States to hold the acceptance period for the EO offer in abeyance. Mot. to Expedite [DE 8]. Two days later, the United States filed a response in opposition to Plaintiff's Motion to Expedite and noted it is preparing a response to Plaintiff's EO

Motion. See [DE 10] 1; see also *In re Camp Lejeune Litigation*, No. 7:23-cv-00897, [DE 922] 2 n.1 (reaffirming expeditious response to EO motion).¹ Plaintiff filed a reply the same day. [DE 11]. On September 23, 2026, Metcalfe and the other plaintiffs filed an emergency motion (“Emergency Motion”) on the Master Docket requesting similar relief. See *In re Camp Lejeune Litigation*, [DE 919] 3.² After the United States responded, the court denied without prejudice the Master EO Motion [DE 913] and Emergency Motion [DE 919] on procedural grounds. See *In re Camp Lejeune Litigation*, [DE 923]. The court explained the Plaintiff’s Leadership Group (“PLG”) did not provide permission for Metcalfe and the other plaintiffs to file their motions on the Master Docket, did not properly seek leave of court before filing their motions, and did not establish good cause for leave of court. See *In re Camp Lejeune Litigation*, [DE 923] 2–3 (citing *In re Camp Lejeune Litigation*, CMO No. 2 [DE 23]).

“No Plaintiff, including pro se Plaintiffs, will file motions or discovery in any CLJA action, except with permission from [the PLG] or leave of Court for good cause shown.” *In re Camp Lejeune Litigation*, CMO No. 2 [DE 23] 6. Metcalfe did not seek leave of court before filing the Motion to Expedite. See [DE 8] 1 & n.1 (requesting leave in footnote). The court does not find good cause for Plaintiff to file the Motion to Expedite in Plaintiff’s stayed case involving a settlement offer. See *In re Camp Lejeune Litigation*, Case Management Order No. 2 [DE 23] 3–4, 6.³ The record does not suggest the PLG gave Plaintiff permission to file the Motion to Expedite. See [DE 8]. The court shall consider the procedural and substantive arguments of the EO Motion

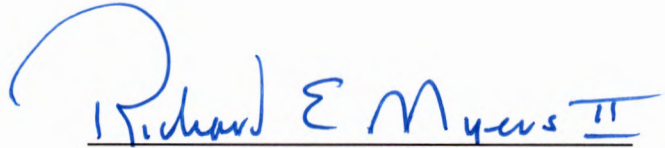
¹ Counsel for the United States was not required to file a responsive pleading in stayed individual CLJA actions, such as Plaintiff’s action. *In re Camp Lejeune Litigation*, Case Management Order (“CMO”) No. 2 [DE 23] 4.

² The Emergency Motion “supersede[d] Movants’ Motion to Expedite and Notice of Supplemental Facts on the individual dockets.” *In re Camp Lejeune Litigation*, [DE 920] 1 n.1.

³ If the court were to consider the merits of the Motion to Expedite, the court would decline to exercise its discretion to expedite, set a hearing, or shorten the response deadline. On the settlement offer, the court would find Plaintiff provided an insufficient basis for the requested relief.

after the United States provides its response. Thus, the court denies Plaintiff's Motion to Expedite [DE 8].

SO ORDERED this 25th day of September, 2026.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE