

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

DEVON J. PARKER,

Plaintiff,

v.

Case No. 1:13-cv-1017-JDT-egb

UNIT MANAGER JOANNE
HENSON, *et al.*,

Defendants.

ORDER

This lawsuit was filed by *pro se* Plaintiff Parker and is set for trial April 20, 2015. The Scheduling Order establishes November 17, 2014 as the deadline for completing all discovery.

Currently pending and referred to this Magistrate Judge are two motions filed by the Plaintiff: a Motion to Compel Discovery [D.E. 42] and a Motion for a Subpoena [D.E. 43]. Defendants oppose each.

As to Plaintiff's first motion - the Motion to Compel - Defendants' respond that they actually were never served with this particular discovery. As such, the Plaintiff is premature in his motion to compel this discovery not yet received. One cannot compel what one has not sought.

Secondly as to Plaintiff's Rule 45 Motion for a Subpoena of Defendants' Records [D.E. 43], the Defendants also are correct.

Plaintiff's subpoena is not the proper mechanism contemplated by the rules of procedure in these circumstances. And as such, the Plaintiff's Rule 45 request is inadequate to properly discover documents. The Defendants are entitled to specific requests pursuant to Rule 34, whereby each can be considered and specific objections may be made as necessary.

For all of the above, both the motion to compel and the motion for subpoena by Plaintiff are **Denied**.

IT IS SO ORDERED this 7th day of October, 2014.

s/Edward G. Bryant
UNITED STATES MAGISTRATE JUDGE