

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

RODNEY W. MCCLANTON,
ADC #108785

PLAINTIFF

V.

3:12CV00252 JLH/JTR

PAUL PAYMENT, Jailer,
Crittenden County Detention Facility, et al.

DEFENDANTS

ORDER

Plaintiff, Rodney W. McClanton, has filed this *pro se* § 1983 action alleging that, on October 16, 2012, Defendants used excessive force against him at the Crittenden County Detention Facility (“CDDF”). There are two non-dispositive Motions pending, which the Court will address separately.

I. Plaintiff’s Request for Production of Documents

On January 17, 2013, Plaintiff filed an untitled pleading which the Clerk docketed as a Request for Production of Documents. *See* docket entry #25. In that pleading, Plaintiff asked the Court to “retrieve evidence” from the Defendants. *Id.*

It is Plaintiff’s responsibility to obtain evidence to support his claims. Plaintiff must do so through discovery. *See* Fed. R. Civ. P. 33, 34, 36, and 37. Importantly, discovery requests and responses are NOT to be filed with the Court. Instead, Plaintiff must mail his discovery requests and responses directly to Defendants’

attorney, along with a certificate of service. *See* Fed. R. Civ. P. 5(d). Accordingly, Plaintiff's request is denied, and the Clerk will be directed to refrain from docketing any future written discovery from him.

II. Plaintiff's Motion for Issuance of Subpoenas

Plaintiff has filed a Motion asking the Court to "subpoena the ENTIRE morning staff" that was working at the CCDF on October 16, 2012. *See* docket entry #22 (emphasis in the original). Plaintiff's request is over broad and premature.

If this case proceeds to trial, the Court will give Plaintiff an opportunity to name his potential witnesses and explain their expected testimony. If the Court determines that any such witnesses have *relevant* testimony to provide, it will issue the necessary subpoenas. Accordingly, the Motion is denied.

III. Conclusion

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's Request for Production of Documents (docket entry #25), which has been construed as a Motion to Compel, is DENIED.
2. The Clerk is directed to REFRAIN from docketing any future written discovery from Plaintiff.
3. Plaintiff's Motion for Issuance of Subpoenas (docket entry #22) is DENIED.

Dated this 29th day of January, 2013.



UNITED STATES MAGISTRATE JUDGE