

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

LUTHER S. PATE, IV	*	
Plaintiff	*	
	*	
VS.	*	
	*	
GEFF YIELDING, ET AL.	*	NO: 4:09CV00371 SWW
	*	
Defendants	*	
	*	

ORDER

Before the Court is Defendant Geff Yielding’s motion to quash a subpoena issued by Plaintiff’s counsel (docket entry #16). The time for responding has passed, and Plaintiff has not filed a response. The subpoena at issue commands Yielding to produce documents by May 26, 2009. It is not clear whether Yielding produced the documents or whether the motion is now moot. However, the Court agrees with Yielding that Federal Rule of Civil Procedure 34 sets forth the proper procedure for seeking the production of documents from a party and that the subpoena should be quashed for failure to follow proper procedure. The Court makes no ruling as to whether the documents sought are otherwise discoverable.

IT IS THEREFORE ORDERED that Defendant Geff Yielding’s motion to quash (docket entry #16) is GRANTED.

IT IS SO ORDERED THIS 11TH DAY OF JUNE, 2009

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE