

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

HOLLIS DEAN MARTZ

PLAINTIFF

v.

Civil No. 4:18-cv-04047

MATTHEW D. WEBB, Sevier County  
Detention Center (“SCDC”); MICHAEL  
BARNES, SCDC; THOMAS JACKSON,  
SCDC; KRIS HUNDLEY, SDCD; TROY  
CRAVENS, SCDC; CHAD DOWDLE,  
SCDC; ROBERT GENTRY, SCDC;  
WENDELL RANDALL, SCDC;  
CHRISTOPHER WOLLCOT, SCDC;  
And SHERIFF BENNY SIMMONS

DEFENDANTS

**ORDER**

Before the Court is Plaintiff’s Motion to Subpoena Documents and Visual Video. (ECF No. 34). Defendants have filed a Response in opposition to the motion. (ECF No. 36).

Plaintiff’s motion states in part:

1. State Grievance Form dated 4-28-2016 filed by Plaintiff at Sevier County Jail has been withheld by Defendants counsel...
2. Counsel contends that Plaintiff was seen at Dequeen Memorial Hospital on 4-28-2016 video footage will prove that Plaintiff was or was not seen on 4-28-2016 Plaintiff contends that evidence has been withheld beyond a reasonable doubt.
3. Photos taken by Officer Sutton Croft and Jailor Terry taken on or about 5-9-2016 have never been produced to Plaintiff upon any request this evidence has been withheld if not destroyed...

(ECF No. 34).

The Court entered its Initial Scheduling Order on July 9, 2018, setting the deadline to conduct discovery as November 6, 2018. (ECF No. 14). On December 5, 2018, Defendants requested and were granted an extension of time to file a motion for summary judgment. (ECF

No. 19). In accordance with the Court's order, Defendants filed a Motion for Summary Judgment on January 25, 2019. (ECF No. 24). Plaintiff filed a Response in opposition to the motion on February 4, 2019. (ECF No. 30).

Plaintiff's request to subpoena documents, photographs and video more than three months after the discovery deadline and after Defendants have filed their motion for summary judgment is untimely and reason enough to deny the instant motion. In addition, Defendants represent to the Court they provided Plaintiff with his entire jail file, including all grievances, on August 21, 2018, and they are not in possession of any video or photographs – if they exist.

Accordingly, Plaintiff's Motion to Subpoena Documents and Visual Video (ECF No. 34) is DENIED.

**IT IS SO ORDERED this 7th day of March 2019.**

*/s/ Barry A. Bryant*

HON. BARRY A. BRYANT  
UNITED STATES MAGISTRATE JUDGE