

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

RICHARD EUGENE LEATHERWOOD

PLAINTIFF

v.

Civil No. 4:20-cv-04061

NURSE STEPHEN KING; NURSE LONI
REDFERN; and NURSE CHELSEA

DEFENDANTS

ORDER

Plaintiff Richard Eugene Leatherwood filed this 42 U.S.C. § 1983 on August 5, 2020. (ECF No. 1). On September 9, 2020, the parties consented to the jurisdiction of a United States Magistrate Judge to conduct any and all proceedings in this case, including conducting the trial, ordering the entry of a final judgment, and conducting all post-judgment proceedings. (ECF No. 10). Before the Court is Plaintiff's Motion for Subpoena. (ECF No. 23). Defendants have not responded, and the Court has determined no response is necessary to rule on the motion.

In his motion Plaintiff states, "Asking for all video footage and copies of All Medical Request, grievances, Request and any written policies which relate to the facts recited in my complaint." (ECF No. 23). Attached to the motion is what Plaintiff refers to as "copies that I have sent to the Defendants lawyer Morgan, Cook & Beck. L.L.P." (ECF No. 23-1). On page 1 of this attachment Plaintiff states he is "...Asking the Court to file a motion to subpoena everything in the copies I have asked for if the Defendants do not provide to me by November 6, 2020 as ordered to do so in the Initial Scheduling Order from the Court." *Id.* at p. 1.

A review of the docket in this case confirms counsel for Defendants filed a Notice of Initial Disclosures with the Court on November 6, 2020, stating:

On November 6, 2020, Plaintiff was mailed a complete copy (118 pages) of his medical records, kiosk healthcare requests, and grievances which are maintained by, or in the possession of, Southern Health Partners, Inc...Defendants are not in possession of any photographs, or video footage or written policies that relate to the facts recited in Plaintiff's Complaint. Should any such photographs, video footage or written policies be found, Separate Defendant[s] will forward same to Plaintiff as a supplement to these disclosures.

(ECF No. 22). This notice includes a certificate of service signed by counsel for Defendants indicating he mailed a copy of all the referenced documents to Plaintiff via U.S. regular mail on November 6, 2020. *Id.* at p. 2. Plaintiff's request is premature as the docket reflects the information he is seeking has already been sent to him.

Accordingly, Plaintiff's Motion for Subpoena (ECF No. 23) is **DENIED**.

IT IS SO ORDERED THIS 16th day of November 2020.

/s/ Barry A. Bryant

HON. BARRY A. BRYANT
UNITED STATES MAGISTRATE JUDGE