

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

MARCUS ONEIL LAQUIENT OWENS,

PLAINTIFF

v.

Civil No. 4:22-CV-04069-SOH-BAB

SHERIFF JACKIE RUNION, Miller County, Arkansas;
SMART COMMUNICATIONS/SMART JAIL MAIL,

DEFENDANTS.

ORDER

Plaintiff Marcus Owens filed the above-captioned civil rights action under 42 U.S.C. § 1983 on August 2, 2022. (ECF No. 1). The Court granted Plaintiff's application to proceed *in forma pauperis* (IFP) on that same day, *see* (ECF No. 3), and directed the United States Marshals Service to serve the defendants on August 3, 2022, *see* (ECF No. 5). Defendant Sheriff Jackie Runion has been served, *see* (ECF No. 13), and has filed an Answer to the Complaint. (ECF No. 9). Service on Defendant Smart Communications/Smart Jail Mail remains outstanding.

Before the Court is Plaintiff's Motion for Subpoena/Request for Documents. (ECF No. 13). Defendants have not responded, and the Court has determined no response is necessary to rule on the motion.

In his motion, Plaintiff asks the Court to subpoena the following:

1. Grievance reference #12,220,320, dated July 6, 2022—July 7, 2022, from kiosk ID #21,291.
2. Phone Sheet Information for Plaintiff Marcus Owens printed on July 5, 2022 at 6:14 pm.
3. Grievance reference #12,220,320, dated July 6, 2022—July 7, 2022, from Smart Communications/Smart Jail Mail/Smart Communications Holding, Inc.

4. All transaction history from Smart Jail Mail/Smart Communications/Smart Communications Holding, Inc.
5. Grievance reference #12,569,912, dated August 10, 2022—August 11, 2022, response by Sgt. Guthrie
6. Grievance reference #12,460,145, dated July 30, 2022—August 2, 2022, response by Cpl.N. Frazier.
7. Grievance reference #12,571,218, dated August 10, 2022—August 15, 2022, response by G. Adams.
8. Grievance reference #2,407,669, dated December 14, 2017—December 14, 2017, response by Kitchen.
9. Grievance reference #12,404,621, dated July 25, 2022—July 26, 2022, response by Medical.
10. Grievance reference #3,489,923, dated October 11, 2018, response by Admin G. officer.
11. Grievance reference #3,573,287, dated November 1, 2018—November 5, 2018, response by Cpl. H. Richardson.
12. Grievance reference #3,582,033, dated November 4, 2018—December 11, 2018, response by Mrs. L. Lorance.
13. Grievance reference #3,993,741, dated February 16, 2019—February 19, 2019, response by Sgt. T. Hanning.
14. Grievance reference numbers from requests (5)—(13) from Miller County kiosk ID #21,291.
15. All transactions from kiosk ID #21,291 (all transaction history) from Smart Jail Mail/Smart Communications/Smart Holding, Inc.

(ECF No. 15, p. 1-2).

Regarding the requests for grievance information, the Court notes that Defendant Runion filed a Notice of Discovery Compliance suggesting that at least some grievance information has already been produced to the Plaintiff. (ECF No. 12). It is not clear if the information produced is the information Plaintiff is requesting in his motion, nor is it clear if Plaintiff first requested that

the Defendant Runion produce any information he believes to be missing from the discovery production before requesting Court involvement. Plaintiff, while proceeding *pro se*, must comply with the Federal Rules of Civil Procedure and Rules of this Court, including the rules regarding pre-trial discovery. Plaintiff should first attempt to address discovery requests with the Defendants before involving the Court.

To the extent that Plaintiff is requesting a subpoena for information from Defendant Smart Communications, this request is premature as Defendant Smart Communications has not yet been served. Further, Plaintiff's request is premature as to all Defendants as an Initial Scheduling Order addressing discovery has not yet been entered in this case.

In the event Plaintiff is unable to obtain requested documents from the Defendants, the Court will consider issuing subpoenas if Plaintiff can demonstrate the document requests are relevant to the claims in Complaint.

Accordingly, Plaintiff's Motion for Subpoena (ECF No. 15) is **DENIED**.

IT IS SO ORDERED THIS 15th day of September 2022.

/s/ Barry A. Bryant

HON. BARRY A. BRYANT
UNITED STATES MAGISTRATE JUDGE