

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

RALPH H. ESPOSITO, JR.,

Plaintiff,

-vs-

Case No. 2:09-cv-728-FtM-29SPC

RICHARD HOLLANDER; EDWARD MILLER;
RUTH SAMELSON,

ORDER

This matter comes before the Court on the Plaintiff, Ralph H. Esposito, Jr.'s Motion to Issue a Subpoena (Doc. #40) filed on March 8, 2010. The Plaintiff moves the Court to issue a subpoena upon the non-party Jennifer Lee Kranites.

Federal Rule of Civil Procedure 45 details the process of issuing subpoenas upon non-parties. The Plaintiff appears to know that a subpoena is issued pursuant to Fed. R. Civ. P. 45, as he attached a copy of the rule to his Motion. However, the Plaintiff's Motion does not comply with Rule 45. The Plaintiff is reminded that despite his *pro se* status, it is mandatory that he proceed in accordance with the Federal and Local Rules. Loren v Sasser, 309 F.3d 1296, 1304 (11th Cir. 2002) (holding that even *pro se* parties must follow procedures). Because the Motion is deficient and not in compliance with the Federal and Local Rules, it is due to be denied.

Accordingly, it is now

ORDERED:

The Plaintiff, Ralph H. Esposito, Jr.'s Motion to Issue a Subpoena (Doc. #40) is **DENIED**.

DONE AND ORDERED at Fort Myers, Florida, this 18th day of March, 2010.


SHERI POLSTER CHAPPEL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record