

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

MAMBERTO REAL,

Plaintiff,

v.

Case No: 2:17-cv-117-FtM-38CM

THE CITY OF FORT MYERS,  
MICHEL PERRY and MICHAEL  
PERRY,

Defendants.

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**ORDER**

This matter comes before the Court upon review of Defendants' Motion to Quash (Doc. 30) filed on April 4, 2018 and Defendants' Joint Amended Motion to Quash (Doc. 32) filed on April 6, 2018. A Preliminary Pretrial Conference ("PPTC") is scheduled for April 18, 2018. Doc. 29. The parties have not filed a Case Management Report yet. On March 27, 2018, Plaintiff issued Subpoenas to Appear and Testify at a Hearing or Trial in a Civil Action to members of the Fort Myers Police Department to testify before the Court during the PPTC. Docs. 30-1, 30-2, 31, 31-1, 31-2, 31-3. Defendants seek to quash the subpoenas because they are not consistent with the purposes of the PPTC. Docs. 30 at 1, 32 at 1. The Court will quash the subpoena because the purposes of the PPTC are:

- (1) expediting disposition of the action;
  - (2) establishing early and continuing control so that the case will not be protracted because of lack of management;
  - (3) discouraging wasteful pretrial activities;
  - (4) improving the quality of the trial through more thorough preparation;
- and

(5) facilitating settlement.

Fed. R. Civ. P. 16(a). A PPTC is not a court hearing or trial that generally requires the testimony of witnesses. *See id.* Furthermore, Defendants correctly state the parties have not identified relevant witnesses at this point. Docs. 30 at 3, 32 at 3. Thus, the Court finds the testimony of witnesses unnecessary to proceed with the PPTC and will quash the subpoenas.

The Court notes although Plaintiff is proceeding *pro se*, he “must follow the rules of procedure,” and “the district court has no duty to act as his lawyer.” *United States v. Hung Thien Ly*, 646 F.3d 1307, 1315 (11th Cir. 2011) (citations omitted). Accordingly, Plaintiff must comply with the Federal Rules of Civil Procedure in prosecuting his case. The Court also will cancel the upcoming PPTC because Defendants’ motions to dismiss are pending, and the parties have not yet filed a Case Management Report.

ACCORDINGLY, it is hereby

**ORDERED:**

1. Defendants’ Motion to Quash (Doc. 30) is **DENIED as moot.**

2. Defendants’ Joint Amended Motion to Quash (Doc. 32) is **GRANTED.**

Plaintiff’s Subpoenas (Docs. 31-1, 31-2, 31-3) are **QUASHED.**

2. The Preliminary Pretrial Conference scheduled for April 18, 2018 is **CANCELLED.** A Notice rescheduling a Preliminary Pretrial Conference will be issued separately.

**DONE** and **ORDERED** in Fort Myers, Florida on this 6th day of April, 2018.



CAROL MIRANDO  
United States Magistrate Judge

Copies:  
Counsel of record  
Unrepresented parties