

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

DONALD F. WOOLLARD,

Plaintiff,

v.

Case No: 8:16-mc-153-T-33JSS

US TREASURY DEPT., IRS,

Defendant.

**ORDER ON PLAINTIFF'S MOTION TO COMPEL**

THIS MATTER is before the Court on Plaintiff's Motion to Compel, which initiated this miscellaneous action. (Dkt. 1.) Plaintiff, proceeding pro se, moves to compel Defendant, the Internal Revenue Service, to produce records, namely account record transcripts, related to the collection of Plaintiff's taxes. However, it has not been shown that Defendant has failed to produce documents in response to a request for production under Federal Rule of Civil Procedure 34 or that Defendant has failed to comply with a subpoena commanding the production of documents under Federal Rule of Civil Procedure 45. *See* Fed. R. Civ. P. 37(a)(3)(B) (governing motions to compel for failure to produce documents under Rule 34); Fed. R. Civ. P. 45 (governing subpoenas for discovery and motions to enforce a discovery subpoena).

Additionally, Plaintiff's Motion to Compel fails to include a certificate of service indicating that the motion was served on the opposing party, as required under Federal Rule of Civil Procedure 5. *See* Fed. R. Civ. P. 5(a)(1), (d)(1) (requiring that written motions and discovery papers be served on every party and that such papers be filed with a certificate of service); M.D. Fla. Local R. 3.04 (addressing the requirements for motions to compel discovery); *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989) (providing that pro se litigants are "subject to the

relevant law and rules of court, including the Federal Rules of Civil Procedure”). Accordingly, it is **ORDERED** that Plaintiff’s Motion to Compel (Dkt. 1) is **DENIED**.

**DONE** and **ORDERED** in Tampa, Florida, on December 27, 2016.

  
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JULIE S. SNEED  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:  
Counsel of Record  
Unrepresented Party