

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

MANUEL HIERRO,

Plaintiff,

v.

CASE NO. 5:09-cv-00068-RS-GRJ

DR DANIEL CHERRY, et al,

Defendants.

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ORDER

Pending before the Court is Plaintiff's Motion to Issue Subpoena for Purposes of Identifying Defendant Dr. Jane Doe. (Doc. 113.) Plaintiff requests that the Court issue a subpoena to the "Orange County Government" in Orlando, Florida, to produce documents identifying the physician who treated Plaintiff in the Orange County Jail from 2005 to 2007 and providing her address for service of process. Id.

In the Court's Oder entered on November 1, 2010 (Doc. 112) the Court granted Plaintiff's Motion For Discovery. Plaintiff had requested permission to conduct very specific discovery necessary to respond to Defendant's Motion for Summary Judgment. (Doc. 111.) The issuance of a subpoena for information relating to the physician who treated Plaintiff from 2005 to 2007 was not identified as an item of requested discovery. As the Court explained, deadlines for general discovery expired some time ago and only specific requests would be considered and only after Plaintiff explained why the discovery was not conducted during the earlier discovery period. (Doc. 110.) The Court also set a deadline of November 4, 2010 for filing a response to the motion for

summary judgment. Id. Plaintiff has not filed a response to the motion for summary judgment nor has he requested an extension of the deadline for filing a response.

The request to issue a subpoena is an attempt to reopen discovery and therefore is improper. For this reason, Plaintiff's Motion to Issue Subpoena is due to be denied.

As the record presently stands, the parties should await a ruling on the pending motion for summary judgment and nothing further is to be done in this matter until that ruling is made.

Accordingly, it is **ORDERED**:

Plaintiff's Motion to Issue Subpoena for Purposes of Identifying Defendant Dr. Jane Doe (Doc. 113) is **DENIED**.

DONE AND ORDERED this 29th day of December, 2010.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge