

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

ARTHUR LAWTON CLARK,)
)
 Plaintiff,)
)
 v.) CV 317-025
)
 LYNN SHEFFIELD, Sheriff; LT. TOMMY)
 BARRENTINE; and DR. PETER WROBELS,)
)
 Defendants.)

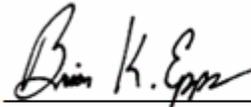
ORDER

Plaintiff commenced the above-captioned case *pro se* pursuant to 42 U.S.C. § 1983. (Doc. no. 1.) On August 3, 2017, the Clerk of Court docketed a letter from Plaintiff requesting the issuance of a subpoena for the production of his Georgia Department of Corrections medical records. (Doc. no. 7.) The letter is addressed to the Clerk of Court, is not captioned as a motion, and does not contain a certificate of service, as is required by the Local Rules, showing that it has been served on Defendants or their counsel. Plaintiff previously received instructions about the requirements for making filings with the Court and was warned that filings which do not comply with the requirements would be returned to him. (See doc. no. 2, p. 2.)

Discovery commences with the last answer of a defendant named in a complaint. Loc. R. 26.1(d)(i). Here, Defendant Wrobels has not filed an answer. Therefore, Plaintiff's request for a subpoena is premature. Moreover, "if a litigant seeks judicial action of any sort

. . . it must be contained within a motion arising from a properly filed lawsuit.” In re Unsolicited Letters to Federal Judges, 120 F. Supp. 2d 1073, 1074 (S.D. Ga. 2000). It may not be requested in a personal letter. Id. Thus, should Plaintiff seek an extension in the future regarding a specific deadline, he must file a properly captioned motion and serve that motion on Defendant or its counsel. He may not simply write letters to the Clerk, and accordingly, the Court **DENIES** his “motion.” (Doc. no. 7.)

SO ORDERED this 10th day of August, 2017, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA