

FILED
 U.S. DISTRICT COURT
 SAVANNAH, GA.
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 U.S. DIST. OF GA.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

NOEL ROMERO DOYE,)
)
 Plaintiff,)
)
 v.)
)
 JASON COLVIN, *Sheriff's Deputy*,)
 CAPTAIN BRUCE DUNCAN,)
Assistant Administrator,)
 LIEUTENANT LISA BOYD; and)
 DOUG FRANKS, *Jail Administrator*,)
)
 Defendants.)

Case No. CV408-174

ORDER

Civil rights plaintiff Noel Romero Doye moves for the issuance of a subpoena *duces tecum* requiring defendants “to bring to trial and/or the pre-trial conference copies of the witness statements of every inmate witness who wrote of” the facts alleged in the complaint. (Doc. 139.) Additionally, he seeks “the surveillance video footage that captured the onslaught as it unfolded from beginning to end on the same said morning of incident.” (*Id.*) The motion is **DENIED**. As the Court already advised Doye, “[t]he issuance of subpoenas to incarcerated litigants is prohibited in this district. *In re Subpoenas*, MC496-6, doc. 1 (S.D. Ga. Jan. 16, 1996)

(standing order); *see Sterling v. Gaines*, No. CV603-008, doc. 21 (S.D. Ga. Sep. 8, 2003).” (Doc. 47 at 2.) Also, defendants assert that they do not possess any inmate witness statements or surveillance video footage. (Doc. 140.) As they correctly point out, they cannot be compelled to produce evidence that does not exist.

SO ORDERED this 12th day of July, 2011.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA