

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TYRONE HOOD,)	
)	
Plaintiff,)	
)	
v.)	Case No. 16 C 1970
)	
CITY OF CHICAGO, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Counsel for plaintiff Tyrone Hood ("Hood") in this 42 U.S.C. § 1983 action have noticed up for presentment at 9:15 a.m. February 15, 2017 a motion to enforce a subpoena against Stateville Correctional Center ("Stateville") prisoner Marshall Morgan, Sr. ("Morgan"). Morgan, who is serving a lengthy sentence on a murder conviction, is claimed by Hood and his counsel to have also committed another murder, one on which Hood claims he was wrongfully convicted and for which he spent over two decades in prison.

This Court recognizes the likelihood that Morgan, who has assertedly been dodging the efforts to subpoena him in connection with this lawsuit, (1) is currently without counsel and (2) is likely to invoke the Fifth Amendment if he is compelled to comply with the subpoena served on him by Hood's counsel. This Court would of course respect any such Fifth Amendment claim, and at this point -- where the question is whether the subpoena involved should or should not be enforced -- it will not pose any questions to Morgan, nor will it permit Hood's counsel to do so, that could even arguably interfere with any such invocation by Morgan.

It is nonetheless essential that Morgan be available telephonically at the time of the February 15 presentment hearing so that he can hear first-hand about the nature and possible

effect of the order sought by Hood's counsel. Accordingly it is hereby ordered that the Stateville authorities make the necessary arrangements for Morgan to hear the February 15 proceeding on the Hood motion via telephone, and Morgan is advised that any failure or refusal on his part to cooperate with the Stateville authorities for that purpose may be met with appropriate sanctions.



Milton I. Shadur
Senior United States District Judge

Date: February 8, 2017