

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

ANTHONY KINGSBERRY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 07-cv-00118-DGW
	)	
UNITED STATES OF AMERICA, et al.,	)	
	)	
Defendants.	)	

**ORDER**

Currently pending before the Court are two Motions to Quash the Subpoena served upon James Nesler filed by Defendants United States of America, George Sample, Jon Reynolds, Marvin Thompson and R.L. (Cruse) Reynolds and deponent James Nesler (Docs. 133, 136).

Plaintiff is attempting to depose an employee of the Bureau of Prisons who is not a party to this action, is not an expert, and was not present at the time of the alleged assaults upon Plaintiff. James Nesler’s name was not mentioned at any time during discovery, Plaintiff’s central file or his medical records. Additionally, Plaintiff did not respond to any discovery requests revealing Mr. Nesler’s name.

Plaintiff has not shown that Mr. Nesler has any relevant information. Under *Touhy* regulations, government officials cannot testify regarding their impressions of other employees, and any information Mr. Nesler may have learned about other employees as a result of his official capacity is protected by the Privacy Act, 5 U.S.C. § 552a(b).

Based upon the foregoing, the Motions to Quash the Subpoena served upon James Nesler (Docs. 133, 136) are **GRANTED**.

**IT IS SO ORDERED.**

**DATED: May 15, 2012**

**DONALD G. WILKERSON**  
**United States Magistrate Judge**