

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

ROBERT STOCES,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:15-cv-277-DGW
)	
SALEH OBAISI, DR. JILL WAHL,)	
DENNIS LARSON, and WEXFORD)	
HEALTH SOURCES, INC.,)	
)	
Defendants.)	
)	

ORDER

WILKERSON, Magistrate Judge

Pending before the Court is Plaintiff Robert Stoces Motion to Subpoena (Doc. 108). For the reasons set for below, the motion is **DENIED**.

FACTUAL AND PROCEDURAL BACKGROUND

On March 11, 2015, Plaintiff Robert Stoces filed a complaint asserting claims under the Eighth Amendment and Illinois state law against three health care providers and Wexford Health Services¹ (Doc. 1). The Court conducted a merits review as required by 28 U.S.C. § 1915A, and allowed Stoces to proceed on the following claims:

Count 1: Deliberate Indifference to a Serious Medical Need

Count 2: Conspiracy

Count 3: Malpractice/Negligence

(Doc. 6).

The Court granted Stoces’ Motion to Appoint Counsel and assigned attorney Jason

¹ Wexford Health Services is a private corporation the Illinois Department of Corrections contracts with to provide health care to Illinois inmates.

Andrew Charpentier to represent him (Doc. 47). Stoces' attorney filed a Second Amended Complaint alleging deliberate indifference and medical negligence, but did not include a conspiracy claim (Doc. 56).

On August 30, 2017, Stoces' counsel filed a motion to withdraw (Doc. 101, p. 2). A hearing was held on September 12, 2017, and the Motion to Withdraw was granted (Doc. 81). Plaintiff was granted 30 days to find new representation and the scheduling order was amended setting the close of discovery on December 7, 2017 and the deadline for filing of Dispositive Motions on December 27, 2017 (Doc. 82). The documents related to the extension of the Discovery and Dispositive Motion deadlines were sent to Stoces by the Clerk of Court on September 13, 2017.

ANALYSIS

Stoces filed a Motion for Subpoena on January 8, 2018 (Doc. 108). In the motion, Stoces requests the Court provide subpoenas to allow him call for trial and to depose Dr. Obaisi, Dr. Wahl, Dr. Larson, Dr. John Sheppard, Lisa Johnson, RN and "all members of Wexford's Health Utilization Management Team (Doc. 108, p. 1). The Court notes, however, that discovery closed in this action over a month before Stoces filed his motion (*See* Doc. 82). Further, Stoces was sent copies of the Court's order extending the Discovery and Dispositive Motion deadlines on September 13, 2017 - 85 days prior to the close of discovery. There is no evidence before the Court that Stoces attempted to conduct discovery prior to the December 7, 2017, and he made no request to extend the Discovery deadline. Thus, the Court **DENIES WITH PREJUDICE** the portion of Stoces Motion requesting subpoenas for deposition as untimely. The portion of the motion requesting subpoenas for trial is **DENIED WITHOUT PREJUDICE** as premature.

SO ORDERED.

DATED: January 12, 2018



DONALD G. WILKERSON
United States Magistrate Judge