

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
BOWLING GREEN DIVISION
CIVIL ACTION NO. 1:18-CV-00017-GNS-HBB**

MICHAEL VAUGHAN

PLAINTIFF

V.

JAMES ERWIN et al

DEFENDANT

**MEMORANDUM OPINION
AND ORDER**

Before the Court is Plaintiff Michael Vaughan's motion styled "Combined Motions for Permission to Issue Subpoenas and Objection" (DN 178). Defendants have not filed a Response.

In his motion, Vaughan states that he received pleadings from counsel for Defendant James Erwin responding to Vaughan's motions at DN 166, 167, 168 and 169, which contained a certification of service mailing of April 12, 2021 (Id. at p. 1). Vaughan notes that the postage machine stamp was also dated April 12, 2021 (Id.). However, according to a "date received" stamp affixed to the envelope; it was not received at the Kentucky State Reformatory (KSR) until May 17, 2021 (Id.). Given the period of time between the represented mailing and receipt of the documents, Vaughan questions whether the certification of service is truthful as to the mailing date, or whether KSR is withholding his mail (Id. at p. 1-2). If the former, he contends the action would constitute a violation under FED. R. CIV. P. 11 (Id. at p. 1). Consequently, he seeks issuance of two subpoenas (Id. at p. 2). One to the United States Postal Service to determine the date upon which the pleadings were placed in the mail, and one to the Kentucky Department of Corrections to determine the actual date of receipt (Id.). This, he contends, will reveal the facts of mailing and receipt (Id.). He also asks that the Court strike the aforementioned responses to his motions (Id.).

IT IS HEREBY ORDERED that Plaintiff's motion for issuance of subpoenas is **CONDITIONALLY GRANTED**.

The clerk is directed to send Vaughan two blank subpoenas which he may complete and return to the Court for review. If the undersigned concludes that Vaughan has framed his subpoena requests in an acceptable matter, the Clerk will be directed to execute the subpoenas and return them to Vaughan for service.

IT IS FURTHER ORDERED that the portion of Plaintiff's motion seeking to strike Defendant's response at DN 175 is **DENIED**. Vaughan has not provided a sufficient basis upon which to find that the responses should be stricken.

October 8, 2021


H. Brent Brennenstuhl
United States Magistrate Judge

Copies: Counsel of Record
Michael Vaughan, *pro se*