

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**ANDREW DAVID WETZEL**

**VERSUS**

**SLIDELL POLICE DEPT., ET AL**

**CIVIL ACTION**

**NO. 09-0014**

**SECTION "J"(3)**

**ORDER AND REASONS**

The plaintiff, Andrew David Wetzell, filed a Motion to Certify Class Action (Rec. Doc. No. 14) and a Motion for Order of Records (Rec. Doc. No. 15) in the captioned case. Upon review of the record, the Court has determined that the motions can be disposed of without a hearing.

In the first motion, Wetzell seeks to certify a class of persons housed in the Slidell City Jail between January, 2005 and January, 2009 and another class of those housed between January, 2009, and February 11, 2009. Wetzell has failed to comply with the mandates and prerequisites of Fed. R. Civ. P. 23, *et seq.* Wetzell did not file this suit as a purported class action. Furthermore, a review of the complaint reveals that he was housed in the Slidell City Jail after his arrest on April 2, 2008, and was transferred to the St. Tammany Parish Jail prior to the filing of the complaint. He complains about the conditions of his confinement during that time period. He has not presented any allegation in the complaint related to a class that would extend back to January, 2005 or beyond his transfer out of the jail, or how he would be representative of such a class. His motion must be denied.

In the second motion, Wetzell requests that the Court provide him with copies of any and all records, “e.g. arrest reports, jail file, etc.,” with his name on it, all rules and regulations within the jail or police department regarding the running of the jail, and a list of all personnel who worked in the jail between January, 2005 and February, 2009, including their backgrounds and training. The Court does not have any such records or information. Furthermore, the motion is not an appropriate method of obtaining discovery from the defendants. The plaintiff should present any discovery requests to the appropriate party, or non-party, in accordance with Fed. R. Civ. P. 34 and/or Fed. R. Civ. P. 45.<sup>1</sup> The Court instructs Wetzell that any such discovery must be relevant to the claims in his complaint about the conditions of the Slidell City Jail during his incarceration beginning April 2, 2008, and ending with his transfer to St. Tammany Parish Jail. The discovery can not be overly broad or burdensome on the defendants like the requests presented in the motion. Accordingly,

**IT IS ORDERED** that Wetzell’s **Motion to Certify Class Action (Rec. Doc. No. 14)** and **Motion for Order of Records (Rec. Doc. No. 15)** are **DENIED**.

New Orleans, Louisiana, this 20th day of February, 2009.



**DANIEL E. KNOWLES, III**  
**UNITED STATES MAGISTRATE JUDGE**

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<sup>1</sup>Defense counsel can be reached at the following address: Lawrence Emerson Abbott, Abbott, Simses & Kuchler, 5100 Village Walk, Suite 200, Covington, La., 70433.