

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

**TODD ANTHONY BERGERON**

**CIVIL ACTION**

**VERSUS**

**NO. 18-5671**

**JERRY J. LARPENTER, ET AL.**

**SECTION "B"(4)**

**ORDER AND REASONS**

The plaintiff, Todd Anthony Bergeron, filed a pleading entitled **Motion to Suppress All Request Form and Grievance Forms from TPCJC (Rec. Doc. No. 9)**. The fill-in-the-blank form document contains absolutely no explanation of the relief Bergeron seeks from this Court. It is simply a blank page except for the caption and Bergeron's signature. This case recently was opened after pauper status was granted on June 12, 2018. The summons have been issued, and the record contains no indication that any defendant has been served.<sup>1</sup>

With no substance or discussion included in Bergeron's one-page, form pleading, the Court is unable to discern what it is Bergeron seeks. In any event, Bergeron's motion would not be a proper means of excluding or obtaining documents or other materials from a defendant. If he is seeking to "suppress" or prevent the defendants from presenting any prison grievance complaints and responses, he has not indicated any reason for the Court to do so. He also has not indicated that he served the motion on the defendants or their counsel; that portion of the form pleading was left blank.

If Bergeron seeks to obtain documents from a defendant, he must present any discovery and production requests directly to the appropriate party or non-party in accordance with Rules 34

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<sup>1</sup>The record indicates that service could not be executed on defendant Gordy Dove. Rec. Doc. No. 10.

and/or 45 of the Federal Rules of Civil Procedure. To the extent he requests that this Court compel discovery from a defendant or a non-party, he has not indicated any attempt to obtain the information directly from the appropriate party or non-party to warrant intervention by the Court to compel responses under Fed. R. Civ. P. 37(a)(3)(B). In addition, pursuant to Fed. R. Civ. P. 37(a)(1), the plaintiff also is required to provide a certification that he conferred or attempted to confer with opposing counsel in an effort to resolve the matter without court action. Bergeron has not included a certification of this kind nor has he indicated in any other manner that he attempted to amicably resolve the discovery issues alleged before filing this motion. Thus, he is not entitled to a court order to compel discovery responses at this time. Accordingly,

**IT IS THEREFORE ORDERED** that Bergeron's **Motion to Suppress All Request Form and Grievance Forms from TPCJC (Rec. Doc. No. 9)** is **DENIED**.

New Orleans, Louisiana, this 22nd day of June, 2018.

  
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**KAREN WELLS ROBY**  
**CHIEF UNITED STATES MAGISTRATE JUDGE**