

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

**THEODORE SMITH (#313084)**

**CIVIL ACTION**

**VERSUS**

**BURL CAIN, ET AL.**

**NO. 09-0322-RET-DLD**

**R U L I N G**

This matter comes before the Court on the plaintiff's Motion to Expand Discovery and Motion for Additional Discovery, rec.doc.nos. 48 and 50, pursuant to which he seeks leave of Court to engage in discovery directed to three non-parties to this proceeding and leave of Court to propound additional discovery to defendant Burl Cain. These motions shall be denied. The Federal Rules of Civil Procedure allow for discovery directed to non-parties only by way of depositions or by way of subpoenas compelling the non-parties to produce, at specific times and places, documents or things which are explicitly and definitively identified in the subpoenas. Fed.R.Civ.P. 30, 31, 34 and 45. Although the plaintiff has been granted in forma pauperis status in this case, he is not entitled to such discovery at public expense, and he has indicated no ability or inclination to arrange for the advance payment of the costs associated with serving subpoenas on such non-parties, of the costs associated with retaining court reporters and the transcription of deposition testimony, of witness fees, or of the expense of making copies of any requested materials at the times and places delineated for production. The plaintiff cannot expect the Court, opposing counsel or the non-parties to bear the cost of such proceedings. Finally, with regard to the plaintiff's request to propound additional discovery to defendant Cain, this request shall be denied because the plaintiff has not provided the Court with copies of the proposed additional discovery and, moreover, has not filed into the record his initial discovery directed to this defendant in accordance with the Court's Order of August 12, 2009, rec.doc.no. 10. Accordingly,

**IT IS ORDERED** that the plaintiff's Motion to Expand Discovery and Motion for Additional Discovery, rec.doc.nos. 48 and 50, be and they are hereby **DENIED**.

Signed in Baton Rouge, Louisiana, on July 20, 2011.



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**MAGISTRATE JUDGE DOCIA L. DALBY**