

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ERNEST BILLIZONE SR.

VERSUS

CIVIL ACTION

WEST FELICIANA PARISH
WORK RELEASE, ET AL

NUMBER 11-647-BAJ-SCR

RULING ON MOTION TO COMPEL DISCOVERY

Before the court is the plaintiff's Motion to Compel Discovery. Record document number 12.

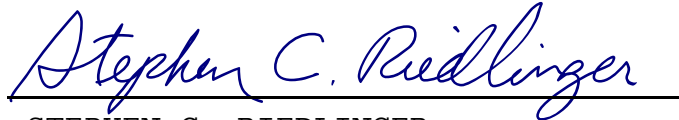
Plaintiff filed a Request for Production of Documents pursuant to Rule 34, Fed.R.Civ.P., on November 14, 2011 (dated November 12, 2011) in which he sought production of various documents from the defendants. The certificate of service states that it was mailed to "West Feliciana Parish Work Release" and this court. The certificate of service does not indicate that it was served on any of the other defendants. None of the defendants have filed an answer or otherwise made an appearance through counsel, and the record does not indicate that any of them have yet been served with a summons and the complaint by the U.S. Marshal.

Plaintiff cannot move to compel discovery from the defendants who were not properly served with the discovery

requests. As to defendant West Feliciana Parish Work Release, it appears from the allegations in the complaint that it is a facility at which inmates reside while participating in a work release program. It is not a proper party defendant because it is not a "person" against whom a claim can be brought under 42 U.S.C. § 1983. So even though the plaintiff may have mailed his request for production of documents to it, because it is not an entity subject to suit under § 1983 it cannot be subjected to discovery under Rule 34.

Accordingly, the plaintiff's Motion to Compel Discovery is denied.

Baton Rouge, Louisiana, December 28, 2011.

A handwritten signature in blue ink that reads "Stephen C. Riedlinger". The signature is written in a cursive style and is positioned above a horizontal line.

STEPHEN C. RIEDLINGER
UNITED STATES MAGISTRATE JUDGE