

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MICHAEL L. MYERS

VERSUS

CIVIL ACTION

LOUISIANA REHABILITATION
SERVICES OF LOUISIANA
WORKFORCE COMMISSION, ET AL

NUMBER 12-135-JJB-SCR

RULING ON MOTION TO ISSUE SUBPOENA

Before the court is the Motion to Issue Subpoena/Subpoena Duces Tecum filed by plaintiff Michael L. Myers. Record document number 10.

Plaintiff sought issuance and service of a subpoena and subpoena duces tecum on Mark S. Martin, Director of Louisiana Rehabilitation Services ("LRS"), for his appearance at a hearing scheduled for Friday, March 16, 2012.¹ Plaintiff sought to have Martin both testify at the hearing and to produce an audio recording of the LRS hearing held February 16, 2012.

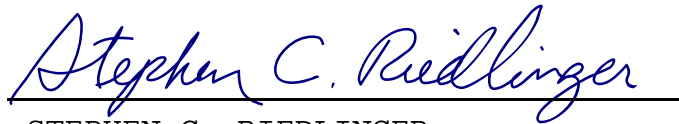
The hearing scheduled in this court is being held pursuant to *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985). It is not a contradictory hearing, i.e. a hearing in which both sides present evidence. Since the plaintiff attended the February 16 LRS hearing, he should be able to tell the court what happened at that hearing. An audio recording of that hearing is not needed for the

¹ Record document number 9.

Spears hearing. Unless the information the plaintiff provides at the *Spears* hearing is plainly fanciful or grossly exaggerated, for the purpose of the hearing the court will accept as true the factual information provided by the plaintiff.

Accordingly, the Motion to Issue Subpoena/Subpoena Duces Tecum filed by plaintiff is denied.

Baton Rouge, Louisiana, March 13, 2012.



STEPHEN C. RIEDLINGER
UNITED STATES MAGISTRATE JUDGE