

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

JEFFERY A. BROUSSARD	*	CIVIL ACTION NO. 14-0720 Section P
VERSUS	*	JUDGE ROBERT G. JAMES
WARDEN IKE BROWN, ET AL.	*	MAG. JUDGE KAREN L. HAYES

ORDER

Before the court is a motion for subpoena [doc. # 79] filed by *pro se* plaintiff Jeffery A. Broussard.¹ By this motion, plaintiff petitions the court to issue a subpoena duces tecum for production of documents from the 4th Judicial District Court for the Parish of Morehouse, State of Louisiana.

This is not the first time plaintiff has sought this court's assistance in his ongoing efforts to obtain records from his state court criminal case to support his instant civil rights case. *See* M/Subpoena [doc. # 50]. The undersigned denied plaintiff's prior motion, and instructed him to seek copies of his state court record directly from the Clerk of Court for the 4th Judicial District Court ("4th JDC Clerk"). (June 26, 2015 Order [doc. # 59]). Accordingly, on October 7, 2015, plaintiff wrote to the 4th JDC Clerk asking for two categories of documents, plus the date that he appeared for a hearing (all presumably pertaining to *State of Louisiana v. Broussard*, 11-597F):

- (1) Transcripts and letters filed under seal from Broussard's November 29, 2011, hearing;
- (2) A copy of the psychological/sanity evaluations administered by Drs. George Seiden and Richard Williams, which were filed under seal on January 24, 2012; and
- (3) The date (possibly in January 2012) that Broussard appeared in court on his charge for aggravated escape.

(Oct. 7, 2015, Letter from Broussard to Carol Jones, 4th JDC Clerk [doc. # 79-2]).

¹ As this matter is not excepted within 28 U.S.C. § 636(b)(1)(A), nor dispositive of any claim on the merits within the meaning of Rule 72 of the Federal Rules of Civil Procedure, this order is issued under the authority thereof, and in accordance with the standing order of this court. Any appeal must be made to the district judge in accordance with Rule 72(a) and L.R. 74.1(W).

On October 23, 2015, a deputy clerk for the 4th JDC Clerk advised Broussard that the 4th JDC Clerk does not provide copies of motions, filings, minutes, etc. free of charge. (Oct. 23, 2015, Letter from Joyce Goleman, 4th JDC Deputy Clerk to Broussard [doc. # 79-2]). Rather, costs for copies are \$1.00/page, plus \$5.00 for each certified copy. *Id.* Court minutes cost \$10.00, plus \$5.00, if certified. *Id.* Transcripts of proceedings, not transcribed previously, must be obtained from the court reporter or the 4th Judicial District Court. *Id.* The deputy clerk further noted that a court order was required to obtain sealed documents. *Id.*

On November 10, 2015, plaintiff, via the instant motion, renewed his request for a subpoena to obtain the afore-listed documents and information from the 4th JDC Clerk. No opposition has been filed, and the time to do so has lapsed. (Notice of Motion Setting [doc. # 80]).

Upon consideration, the court finds that the requested information is potentially relevant to plaintiff's case. Moreover, plaintiff has endeavored to obtain the information from the 4th JDC Clerk, to no avail. Furthermore, the 4th JDC Clerk explained that she cannot release sealed documents without a court order. Accordingly,

Plaintiff's motion for issuance of a subpoena [doc. # 79] is hereby GRANTED to the following extent,

The Clerk of Court for the USDC-WDLA shall complete, sign, and issue to the U.S. Marshal for service, a subpoena duces tecum (AO 88B Form) directed to Carol R. Jones, Clerk, Fourth District Court, Parish of Morehouse, 100 East Madison Ave, Bastrop, LA 71220, for production of copies of the documents itemized in paragraphs (1)² - (2) above, plus a written response to, or a copy of the docket sheet that reveals the information sought in, paragraph (3); together with a copy of the instant order, and a completed USM-285 Form, if necessary.

² The 4th JDC Clerk need not provide copies of any previously un-transcribed proceeding.

Absent timely objection or motion to quash/modify the subpoena, the 4th JDC Clerk shall provide responsive documents/information on, or before **January 19, 2016**, to the Clerk of Court for the USDC-WDLA, 201 Jackson Street, Suite 215, Monroe, LA 71201. Upon receipt, the Clerk for this court shall file the documents in the instant record under seal, and provide copies to plaintiff.

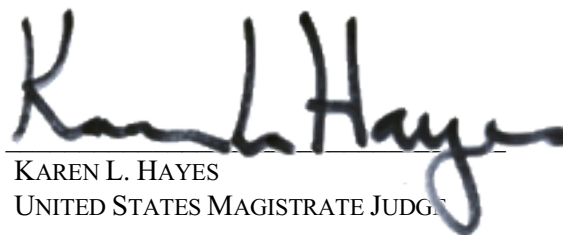
If desired, the 4th JDC Clerk may seek reasonable compensation for the cost of complying with this subpoena,³ by either:

- 1) providing *plaintiff* with a timely objection to the subpoena that specifies the cost (including the number of pages) for each item sought so *plaintiff*: a) may remit sums for the cost of production or b) file a motion to compel production (that plaintiff must serve on the 4th JDC Clerk); or
- 2) filing a timely motion to quash or modify the subpoena, which – if seeking reasonable compensation – shall include an itemized cost of production.

See Fed.R.Civ.P. 45(d)(2)(B).

IT IS SO ORDERED.

In Chambers, at Monroe, Louisiana, this 22nd day of December 2015.


KAREN L. HAYES
UNITED STATES MAGISTRATE JUDGE

³ Plaintiff's indigence does not excuse his need to provide reasonable compensation to the 4th JDC Clerk for responding to the subpoena – if she so insists. *See Hodge v. Prince*, 730 F. Supp. 747, 751 (N.D. Tex. 1990) (citations omitted); Fed.R.Civ.P. 45(d)(3)(C).