

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL OUELLETTE,

Plaintiff,

CIVIL ACTION NO. 15-cv-11604

v.

DISTRICT JUDGE ARTHUR J. TARNOW

BEVERLY HILLS, VILLAGE OF,
et al.,

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants.

**OPINION AND ORDER OVERRULING AND DENYING DEFENDANTS’
OBJECTIONS TO PLAINTIFF’S AUGUST 21, 2015 SUBPOENA TO THE BEVERLY
HILLS DEPARTMENT OF PUBLIC SAFETY AND MOTION TO QUASH SUBPOENA
OR, IN THE ALTERNATIVE, MOTION FOR PROTECTIVE ORDER [16]
AND GRANTING PLAINTIFF’S MOTION ASKING THE COURT
TO TERMINATE HIS PRESENT OUTSTANDING DISCOVERY REQUESTS
OUTLINED IN HIS SUBPOENA [19]**

Plaintiff filed this *pro se* prisoner civil rights action on May 4, 2015, pursuant to 42 U.S.C. § 1983, alleging that Defendants Village of Beverly Hills Public Safety Department and Lieutenant Michael Vargas subjected Plaintiff to cruel and unusual punishment in violation of the Eighth Amendment to the United States Constitution. (Docket no. 1.) This action has been referred to the undersigned for all pretrial purposes. (Docket no. 13.)

On August 21, 2015, Plaintiff mailed a Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action to Defendant Village of Beverly Hills Public Safety Department commanding it to produce (1) “[a]ny and all agreements [sic], contracts, or proposals to house detainees at Birmingham police department;” (2) “[n]ames and dates of all detainees held in Beverly Hills holding cells from the beginning of using

Birmingham lock-up;” and (3) “[p]ersonnel records of Lt. Michael Vargas” to Plaintiff by September 19, 2015 at 5:00 p.m. (Docket no. 16-1.) On September 14, 2015, Defendants filed “Objections to Plaintiff’s August 21, 2015 Subpoena to the Beverly Hills Department of Public Safety and Motion to Quash Subpoena or, in the Alternative, Motion for Protective Order.” (Docket no. 16.) Plaintiff did not respond to Defendants’ objections and motions; however, on January 20, 2016, he filed a document titled “Plaintiff’s Motion Asking the Court to Terminate His Present Outstanding Discovery Requests Outlined in His Subpoena, and Plaintiff Presents the Defendants Beverly Hills Public Safty [sic] and Lieutenant Michael Vargas Their First Set of Production of Documents Pursuant to Fed. R. Civ. P. 34, and Interrogatories Pursuant to Rule 33 of the Fed. R. Civ. P.”¹ (Docket no. 19.) Defendants have not filed a response to Plaintiff’s Motion. The Court has reviewed the pleadings and dispenses with oral argument pursuant to Eastern District of Michigan Local Rule 7.1(f)(2). The Court is now ready to rule pursuant to 28 U.S.C. § 636(b)(1)(A).

Plaintiff’s Motion consists of the following sentence: “Plaintiff, Michael J. Ouellette, by and through himself, asks the court to terminate his request for documents outlined in his subpoena.” (Docket no. 19.) The Court presumes that Plaintiff is referring to his August 21, 2015 Subpoena to Defendant Village of Beverly Hills Public Safety Department, and seeing that the parties essentially seek the same result through their Motions, the Court will grant Plaintiff’s Motion, rendering Defendants’ Objections and Motions moot.

IT IS THEREFORE ORDERED that Plaintiff’s Motion Asking the Court to Terminate His Present Outstanding Discovery Requests Outlined in His Subpoena [19] is **GRANTED**;

¹ To the extent that Plaintiff presents Defendants with discovery requests, such a matter is not before the Court, as discovery should be served upon and responded to between the parties without court involvement unless a problem develops that requires court intervention. There is no indication of such a problem in Plaintiff’s Motion, and Plaintiff, rightfully so, has not attached any discovery requests to his Motion. *See* Eastern District of Michigan Local Rule 26.2 and Federal Rule of Civil Procedure 5(d)(1).

Defendant Village of Beverly Hills Public Safety Department is not required to respond to Plaintiff's August 21, 2015 Subpoena.

Accordingly, **IT IS FURTHER ORDERED** that Defendants' Objections to Plaintiff's August 21, 2015 Subpoena to the Beverly Hills Department of Public Safety and Motion to Quash Subpoena or, in the Alternative, Motion for Protective Order [16] are **OVERRULED** and **DENIED** as moot.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: April 29, 2016

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Opinion and Order was served upon Plaintiff Michael Ouellette and counsel of record on this date.

Dated: April 29, 2016

s/ Lisa C. Bartlett
Case Manager