

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

DAVID GARLAND ATWOOD, II

PLAINTIFF

VS.

CIVIL ACTION NO: 1:12CV168-SA-DAS

**MIKE CHENEY,
ET AL.**

DEFENDANTS

ORDER

This matter is before the court on plaintiff's motion (#170) for sanctions to be entered against Mississippi Farm Bureau Insurance Company, a non-party. According to the motion, plaintiff served Farm Bureau with a subpoena duces tecum in October of 2015, which commanded Farm Bureau to produce certain documents relating to the homeowner's insurance policy covering Emmett Atwood's lake house. To this date, Farm Bureau has not turned over the subject documents, and instead, has filed a motion to quash in the United States District Court for the Southern District of Mississippi, Jackson Division.

Notably, plaintiff served the subpoena on Farm Bureau's Jackson, Mississippi office. Pursuant to Federal Rule of Civil Procedure 45(g), "[t]he court for the district where compliance is required...may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it." Because compliance is required in Jackson, Mississippi, plaintiff's motion should have been filed in the United States District Court for the Southern District of Mississippi, Jackson Division. Consequently, this court is not authorized by the Federal Rules of Civil Procedure to rule on plaintiff's motion.

IT IS, THEREFORE, ORDERED that plaintiff's motion for sanctions against Mississippi Farm Bureau Insurance Company is denied.

SO ORDERED this, the 21st day of March, 2016.

/s/ David A. Sanders
UNITED STATES MAGISTRATE JUDGE