

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

TOMMIEL QUENPONTA
CLAIBORNE

PLAINTIFF

VS.

CIVIL ACTION NO. 3:17-cv-734-DPJ-FKB

WARDEN F. SHAW, et al.

DEFENDANTS

ORDER

This case is before the Court on Plaintiff Tommiel Claiborne's Request for Subpoena Commanding Deposition Attendance [36]. Claiborne asks the Court to issue subpoenas compelling three inmates at the East Mississippi Correctional Facility to sit for depositions. In its Omnibus Order, the Court limited discovery to 25 interrogatories, 25 requests for production, and 25 requests for admission. [35]. The Court did not permit the parties to take depositions. The Court finds that Claiborne has failed to show good cause as to why the Court should permit depositions in this case or, specifically, depositions of the individuals identified in Plaintiff's motion. Accordingly, the motion [36] is denied.

In the event Plaintiff refiles this motion, he is warned that were the Court to grant permission for him to take any depositions in this matter, he would be responsible for the costs of any subpoenas, witness and mileage fees, court reporter services, and for his copies of the deposition transcripts. *See Brown v. Carr*, 236 F.R.D. 311, 313 (S.D. Tex. 2006). "Plaintiff may not expect the Court or defendants to pay for these fees and expenses simply because he is an indigent inmate proceeding *pro se* in this action." *Id.*

SO ORDERED, this the 27th day of March, 2019.

/s/ F. Keith Ball
UNITED STATES MAGISTRATE JUDGE