

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

HERMAN K. ALLEN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:11-CV-2224-JAR
)	
STATE OF MISSOURI d/b/a)	
DEPARTMENT OF SOCIAL SERVICES)	
DIVISION OF YOUTH SERVICES,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

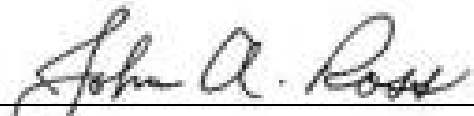
This matter is before the Court on Plaintiff’s Motion to Subpoena Duces Tecum Document From Third Party [ECF No. 40]. Plaintiff requests this Court subpoena a written statement from Ms. Jarrett West, who he identifies as a witness. In his Memorandum To Support Deces [sic] Tecum Document From Third Party [ECF No. 41], Plaintiff states he is requesting “[a] typed or written notarized affidavit regarding an alleged sexual harassment investigation conducted on the Plaintiff by Barb Milligan (secretary) at the behest of Elaine Barbee (Regional Administrator, Plaintiff’s immediate supervisor).”

This type of discovery is not properly sought from non-parties by means of a Rule 45 subpoena, which is limited to document production. Grace v. Hakala, 2012 WL 2190902, at * 4 (E.D. Mo. June 14, 2012); Stockdale v. Stockdale, 2009 WL 4030758, at *2 (E.D. Mo. November 18, 2009).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s Motion to Subpoena Duces Tecum Document From Third Party [40] is **DENIED**.

Dated this 28th day of November, 2012.

A handwritten signature in cursive script that reads "John A. Ross". The signature is written in black ink and is positioned above a horizontal line.

JOHN A. ROSS
UNITED STATES DISTRICT JUDGE