

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

YOLANDA BELL,)	
)	
Movant,)	
)	
vs.)	Case No. 4:13MC00508 ERW
)	
UNITED STATES SECRETARY)	
OF THE INTERIOR SALLY JEWELL,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter comes before the Court on Pro Se Movant Yolanda Bell’s Motion to Quash [ECF No. 1].

Pro Se Movant Yolanda Bell is a former GS-14 manager for the Department of the Interior Bureau of Reclamation in Sacramento, California. In December 2011, Movant brought suit in the Northern District of California against Respondent, alleging race and disability discrimination and retaliation in connection with her former employment. Specifically, Movant alleges that discrimination from December 2007 to December 2008 caused or exacerbated various psychological injuries, including major depression, post-traumatic stress disorder, panic attacks, diverticulosis, anxiety, chronic fatigue syndrome, and cognitive impairment. Movant seeks damages for medical expenses and pain and suffering.

In August 2013, Respondent served a subpoena issued by this Court upon the National Personnel Records Center (NPRC) in St. Louis, Missouri. The subpoena ordered the NPRC to produce certain records concerning Movant’s approximately one year of military service and her alleged subsequent discharge due to a personality disorder. Movant subsequently notified the NPRC of her intent to file a Motion to Quash the subpoena.

On September 11, 2013, the magistrate judge at the Northern District of California recommended Movant's lawsuit be dismissed with prejudice for failure to comply with certain court orders unrelated to the instant Motion. [ECF No. 4-2 at 157]. Movant subsequently requested an ex parte application, seeking a 21-day extension to file objections to the magistrate judge's findings and recommendations. [ECF No. 4-2 at 159-60]. The magistrate judge granted Movant's request, and her case currently remains pending in the Northern District of California.

Movant now seeks to quash the subpoena, claiming this matter falls under the jurisdiction of the District of Maryland, because "the subpoena is being administered [there], by the National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001[.]" [ECF No. 2 at 1]. She also asserts the subpoena is moot, due to the recommendation of the magistrate judge in the Northern District of California.¹

Based on the foregoing, the Court will deny Movant's Motion. As Respondent correctly points out, "the court that issued the subpoena, and not the court where the underlying action is pending, can entertain a motion to quash or modify a subpoena." *S.E.C. v. CMKM Diamonds, Inc.*, 656 F.3d 829, 829 (9th Cir. 2011); *see also In re Digital Equip. Corp.*, 949 F.2d 228, 231 (8th Cir. 1991). Thus, even if Movant could establish the subpoena at issue "is being administered" in Maryland,² jurisdiction is proper in this Court because it issued the subpoena.

Nor does the Court agree with Movant that the subpoena is moot. The magistrate judge in the Northern District of California has granted Movant additional time to file objections to his

¹Furthermore, Movant alleges Respondent's attorney canceled her deposition. Even assuming this is true, it fails to establish the subpoena is moot, and it would not constitute a proper basis to quash the subpoena.

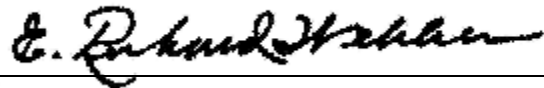
²The record contains no evidence suggesting the subpoena "is being administered" in Maryland.

recommendation, and, in a recent email to Respondent's counsel, Movant wrote, "See you at the appeal." [ECF No. 4-2 at 174]. Thus, Movant clearly intends to continue litigating her case.

Accordingly,

IT IS HEREBY ORDERED that Pro Se Movant Yolanda Bell's Motion to Quash [ECF No. 1] is **DENIED**.

Dated this 10th day of October, 2013.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE