

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

U.S. COMMODITY FUTURES TRADING COMMISSION,)	
)	
Plaintiff,)	8:11CV181
)	
V.)	
)	
JONATHAN W. ARRINGTON, ELITE MANAGEMENT HOLDINGS CORP., MJM ENTERPRISES LLC, MICHAEL B. KRATVILLE, and MICHAEL J. WELKE,)	ORDER
)	
Defendants.)	

On July 8, 2013, Defendant Michael Kratville (“Kratville”) filed a motion requesting that the Court command Defendant Michael J. Welke (“Welke”) to appear and show cause why he should not be held in contempt for failing to obey a subpoena to produce documents served upon him on April 16, 2013 ([filing 118](#)). The motion further asks that the Court compel Welke to appear for a deposition to provide the requested documents. (*Id.*)

The Court entered an order on July 9, 2013, directing Welke, who is proceeding *pro se*, to submit a report to the Court by August 9, 2013, showing cause why he should not be held in contempt for failing to respond to the subpoena. ([Filing 121](#).) Welke submitted a response to the Court’s show cause order on August 12, 2013, which, among other things, provides at least partial responses to Kratville’s document production request. ([Filing 141](#).)

Having reviewed the matter, the Court will not compel Welke to appear for a deposition, or order Welke to provide additional documents or further information. As pointed out by Plaintiff in response to Kratville’s motion ([filing 120](#)), the deadline for filing discovery motions has passed. ([Filing 81](#).) Kratville has not provided any reason why he could not have moved to compel Welke to comply with the subpoena at an earlier time.

Accordingly,

IT IS ORDERED that Kratville's Motion for Show Cause Hearing and Application to Hold Michael J. Welke in Contempt for Failure to Obey Subpoena to Produce Documents ([filing 118](#)) is denied.

DATED August 16, 2013.

BY THE COURT:

**S/ F.A. Gossett
United States Magistrate Judge**