

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:14-cv-00600-MOC

**ERIC WHITENER,** )  
 )  
 Petitioner, )  
 )  
 Vs. ) ORDER  
 )  
 **UNITED STATES OF AMERICA,** )  
 )  
 Respondent. )

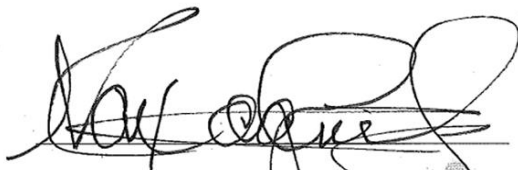
**THIS MATTER** is before the court on petitioner’s Motion to Subpoena and Compel Testimony, Affidavit or Deposition from Chief Judge Robert Conrad. Petitioner’s motion seeks to compel Judge Conrad to give testimony concerning a trial he participated in as an AUSA more than two decades ago. Petitioner’s motion, however, comes after this action was dismissed with prejudice and in no manner addresses the threshold concerns expressed by this court that petitioner’s Bailey claim is time barred.

For the reasons previously stated, this case is now closed, Judgment has been entered, and the instant post-judgment request for discovery is not within the realm of discovery allowed by either Rule 26 or 69 of the Federal Rules of Civil Procedure.

**ORDER**

**IT IS, THEREFORE, ORDERED** that petitioner's Motion to Subpoena and Compel Testimony, Affidavit or Deposition from Chief Judge Robert Conrad (#11) is **DENIED**.

Signed: January 16, 2015



Max O. Cogburn Jr.  
United States District Judge