

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

Anthony Leon Campbell, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 Chuck Barney, Mayor of Minot, Leann )  
 Bertsch, Director, Department of )  
 Corrections and Rehabilitation, Steve )  
 Kukowski, Sheriff and Jail Commissioner, )  
 Ward County, and Paul Othoff, )  
 Commander, Ward County Jail, )  
 )  
 Defendants. )

**ORDER**

Case No. 4:15-141

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The plaintiff, Anthony Campbell, was a detainee at the Ward County Jail, in Minot, North Dakota, when he initiated this action in November 2015. Upon screening his pleadings, the court permitted Campbell to proceed with his “conditions-of-confinement” claims against Defendants Kukowski and Othoff but only in regards to his alleged exposure to toxic black mold, unsanitary bedding, unsanitary clothing, and contaminated drinking water.

On May 9, 2016, Campbell filed a “Motion for Order to Subpoena Witnesses.” Therein, he requests the court’s assistance in subpoenaing four prospective witnesses to testify at trial. Additionally, he requests “all relevant video, audio, including any documentation or reports relative or/and in connection with the above entitled matter.”

Campbell’s motion is premature. Defendants Kukowki and Othoff have yet to file an answer or otherwise respond to Campbell’s pleadings. Rule 26(d) of the Federal Rules of Civil Procedure provides that the parties may not seek discovery until they have conferred as required by Rule 26(f) for the purpose of developing a plan for discovery, among other things. In this case, however, the

court will not require a Rule 26(f) conference given the difficulty the plaintiff has in conferring with the other parties. Rather, after Defendants Kukowski and Othoff have filed a responsive pleading, the court will issue an order requiring each party to file a proposed scheduling/discovery plan pursuant to a form provided and the court will then issue a scheduling/discovery order and schedule the trial. Until the court issues its discovery order, all discovery is stayed.

Accordingly, Campbell's "Motion for Order to Subpoena Witnesses" (Docket No. 24) is **DENIED** without prejudice as it is premature. Further, it is hereby ordered that all discovery is **STAYED** until the court issues its scheduling/discovery order.

**IT IS SO ORDERED.**

Dated this 13th day of May, 2016.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court