

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

BILLY M. SMITH,

Plaintiff,

:

Case No. 3:10-cv-448

-vs-

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

:

MONTGOMERY COUNTY
SHERIFF'S OFFICE, et al.,

Defendants.

**DECISION AND ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION FOR
ISSUANCE OF SUBPOENAS DUCES TECUM**

This case is before the Court on Plaintiff's Motion for Issuance of Subpoenas Duces Tecum (Doc. No. 76).

Upon examination, the subpoenas tendered with the Motion do not comply with the form requirements of Fed. R. Civ. P. 45(a)(1)(iii) and (iv) in that they do not specify a time for performance and they do not include the text of Fed. R. Civ. P. 45(c)(and (d).

Accordingly, the Motion is denied without prejudice to its renewal in conformity with Fed. R. Civ. P. 45.

February 1, 2012.

s/ **Michael R. Merz**
United States Magistrate Judge