

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

MARK CLAYTON,	)	
	)	
Plaintiff	)	
	)	No. 3:13-1211
v.	)	Judge Sharp/Brown
	)	<b>Jury Demand</b>
CHIP FORRESTER, <i>et al.</i> ,	)	
	)	
Defendants	)	

O R D E R

The Plaintiff has filed two motions in this matter. Docket Entry 143 is a motion to subpoena Charles Maxwell. This motion is **DENIED**. The Plaintiff's motion gives no factual basis whatever, if any, connection Mr. Maxwell has to this complaint, or to the pending report and recommendation (Docket Entry 130) to remand this case to state court.

The motion to file a response to the Defendants' request for sanctions (Docket Entry 142) is **GRANTED** and the Plaintiff may file a 15-page response to that portion of the motion that requests sanctions.

The Magistrate Judge would note that the Defendants should not have combined an objection to a report and recommendation along with a motion for sanctions. The two should have been separated. By filing a motion for sanctions, which is not a portion of the report and recommendation, the Defendants are in effect filing a new matter to which the Plaintiff is entitled to file a response. Absent permission of the Court there will be no reply by the Defendants.

It is so **ORDERED**.

/s/ Joe B. Brown  
JOE B. BROWN  
United States Magistrate Judge