

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

UNITED STATES OF AMERICA,

v.

Case No. 6:17-cr-15-Orl-37KRS

JARVIS WAYNE MADISON.

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**ORDER**

In this criminal action, Defendant filed his first Motion for Discovery of Information Concerning the Confection and Creation of the Jury Venire pursuant 28 U.S.C. § 1867(f) on August 11, 2017.<sup>1</sup> (Doc. 69 (“**First Motion**”).) Adopting U.S. Magistrate Judge Karla R. Spaulding’s recommendation (Doc. 102), the Court granted the First Motion in part and denied several requests as unclear or lacking time parameters (Doc. 108).

Defendant has now filed a Second Motion for Discovery of Information Concerning the Confection and Creation of the Jury Venire. (Doc. 114 (“**Second Motion**”).) In it, Defendant renews three requests for information that he contends are now specific and limited as to scope (“**Renewed Requests**”). (*Id.* at 1–3.) On referral, Magistrate Judge Spaulding recommends that the Court grant in part one of the Renewed Requests and deny the other two. (Doc. 138 (“**R&R**”).)

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<sup>1</sup> 28 U.S.C. § 1867(f) provides that the Court may disclose “the contents of records or papers used by . . . the clerk in connection with the jury selection process. . . pursuant to the district court plan or as may be necessary in preparation or presentation of a motion” challenging the jury selection process under 28 U.S.C. § 1867(a).

The parties did not object to the R&R, and the time for doing so has now passed. Hence the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at \*1 (M.D. Fla. Jan. 28, 2016); *see also Marcort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding no clear error, the Court concludes that the R&R is due to be adopted and the Second Motion is due to be granted in part.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Karla R. Spaulding's Report and Recommendation (Doc. 138) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Defendant's Second Motion for Discovery of Information Concerning the Confection and Creation of the Jury Venire (Doc. 114) is **GRANTED IN PART AND DENIED IN PART** as set forth in the R&R.
3. In accordance with the R&R, on or before Thursday, **January 18, 2017**, the Clerk is **AUTHORIZED** to "disclose a list of individuals identified by juror participant number for the 2013 and 2015 Qualified Jury Wheels who failed to appear as directed and any action subsequently taken." (Doc. 138, p. 2.)
4. Counsel, their experts, and the parties are **DIRECTED** to hold all information and materials they review, inspect, copy, or otherwise receive from the Clerk pursuant to Court Orders in strict confidence and to not divulge any such information or materials to any other person without first receiving the Court's approval.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on January 4, 2018.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:  
Counsel of Record