

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

MAMBERTO REAL,

Plaintiff,

v.

Case No: 2:17-cv-117-FtM-38CM

THE CITY OF FORT MYERS,  
MICHEL PERRY and MICHAEL  
PERRY,

Defendants.

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**ORDER**

This matter comes before the Court upon review of Plaintiff's Letter Motion to Magistrate Judge Carol Mirando (Doc. 35) filed on April 10, 2018, construed as a motion for sanctions. Plaintiff argues Defendants' motion to quash his subpoenas misstated that he did not object to the motion, although he did. Doc. 35 at 1-2. Thus, Plaintiff seeks the Court to sanction Defendants, asserting Defendants lied to the Court. *Id.* at 2-3. Contrary to Plaintiff's assertion, Defendants' amended motion to quash subpoenas correctly stated Plaintiff objected to the motion. Doc. 32 at 3. Furthermore, regardless of Plaintiff's objection to the motion, the Court granted the motion to quash and quashed the subpoenas because Plaintiff's subpoenas required certain witnesses to appear and testify during a Preliminary Pretrial Conference, a hearing that does not require testimony. Doc. 33 at 2. Thus, the Court will deny the present motion as moot.

ACCORDINGLY, it is hereby

**ORDERED:**

Plaintiff's Letter Motion to Magistrate Judge Carol Mirando (Doc. 35) is  
**DENIED.**

**DONE** and **ORDERED** in Fort Myers, Florida on this 13th day of April, 2018.



CAROL MIRANDO  
United States Magistrate Judge

Copies:  
Counsel of record