

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ANDREW BRYANT SHEETS,

Plaintiff,

Case No. 2:24-CV-495-JLB-KCD

v.

JERRY PRESSELLER, IN THEIR
INDIVIDUAL AND OFFICIAL
CAPACITY; THE DOWNTOWN
MERCHANTS COMMITTEE OF
PUNTA GORDA, INC, IN THEIR
INDIVIDUAL AND OFFICIAL
CAPACITY; OFFICER DAVID
JOSEPH LIPKER, IN THEIR
INDIVIDUAL AND OFFICIAL
CAPACITY; CITY OF PUNTA
GORDA, IN THEIR INDIVIDUAL
AND OFFICIAL CAPACITY; AND
PUNTA GORDA DOWNTOWN
MERCHANTS ASSOCIATION,
INC.,

Defendants,

ORDER

Plaintiff Andrew Bryant Sheets served several non-party subpoenas that have apparently gone unanswered. He now moves to compel compliance. (Docs. 76, 77, 78, 79.)

There are two problems. First, Plaintiff's motions do not include a certificate under Local Rule 3.01(g), which requires that the movant "confer with the opposing party in a good faith effort to resolve the motion" and include

a certificate explaining the results of the conferral. Further, when a motion targets a non-party (as here), the movant “must confer with the parties to the action *and any non-party against which relief is requested*. (Doc. 3 at 6 (emphasis added).)

Second, there is no certificate (or indication) that Plaintiff served his motions on the non-parties he is seeking relief against. *See, e.g., Jenkins v. Winn-Dixie Stores, Inc.*, No. 3:14-CV-1104-J-34MCR, 2015 WL 12915699, at *1 (M.D. Fla. Oct. 5, 2015) (denying motion to compel where defendant “failed to serve [it] on the non-parties”).

For these reasons, Plaintiff’s motions to compel (Docs. 76, 77, 78, 79) are **DENIED WITHOUT PREJUDICE**.

ORDERED in Fort Myers, Florida on December 9, 2024.


Kyle C. Dudek
United States Magistrate Judge