

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

ANTHONY WAYNE SWAIN
WASHINGTON, JR,

Plaintiff,

v.

Case No: 6:24-cv-1484-JSS-LHP

TRANSPORTATION AND
SECURITY ADMINISTRATION and
DEPARTMENT OF
TRANSPORTATION,

Defendants

ORDER

This cause came on for consideration without oral argument on the following motions filed herein:

**MOTION: FEDERAL RULE OF CIVIL PROCEDURE 15(A)
MOTION TO PROCEED (Doc. No. 21)**

FILED: November 6, 2024

THEREON it is ORDERED that the motion is DENIED.

The motion (Doc. No. 21) fails to contain a memorandum of law as required by Local Rule 3.01(a) – while Plaintiff lists several rules and statutes, he does not

explain how any of them authorize any requested relief. To that end, the motion also does not clearly identify the relief Plaintiff seeks. Federal Rule of Civil Procedure 15(a) governs amendments of pleadings and does not provide a mechanism by which a party can be compelled to adhere to court rules – as Plaintiff appears to request. If Plaintiff is requesting that the Court compel Defendants to confer and provide consent to amend his pleading, the Court has previously explained to Plaintiff the avenues he can utilize to seek leave to amend, and Plaintiff also failed to provide any legal authority by which the Court can compel a party that has not yet appeared in a case to take action. Relatedly, to the extent Plaintiff seeks sanctions or to hold Defendants in contempt, no Defendant has yet been served and/or appeared in this case, therefore the Court is unaware of any conduct that Defendants have taken in this case that would warrant consideration of sanctions. For these reasons the motion (Doc. No. 21) is **DENIED**.

**MOTION: MOTION FOR ISSUANCE OF SUBPOENA UNDER
RULE 45 (Doc. No. 27)**

FILED: November 22, 2024

**THEREON it is ORDERED that the motion is DENIED without
prejudice.**

**MOTION: MOTION FOR ISSUANCE OF SUBPOENA UNDER
RULE 45 (Doc. No. 28)**

FILED: November 22, 2024

**THEREON it is ORDERED that the motion is DENIED without
prejudice.**

As discussed above, no Defendant has yet been served or appeared in this case, and as such no case management conference has yet occurred and discovery has not yet opened, therefore any attempts to obtain discovery are premature. *See* Fed. R. Civ. P. 26(d). In addition, subpoenas under Federal Rule of Civil Procedure 45 are for non-parties to an action, not for a party-Defendant. Accordingly, these requests for subpoenas that are against Defendants (Doc. Nos. 27-28) are **DENIED WITHOUT PREJUDICE.**

DONE and ORDERED in Orlando, Florida on November 25, 2024.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties