

DJW/bh

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

**REGINALD J. DOCKERY,
on his own behalf and as guardian
of K.D.C., et al.,**

Plaintiffs,

v.

Case No. 05-2067-JWL-DJW

**UNIFIED SCHOOL DISTRICT
NO. 231, et al.,**

Defendants.

ORDER

This matter is before the Court on Defendants' unopposed Motion for Court Order for Reproduction of Records of the Equal Employment Opportunity Commission (doc. 45). Defendants seek an order directing the Equal Employment Opportunity Commission ("EEOC") to release Defendants the contents of its file relating to a 2000 EEOC complaint filed by Plaintiff Reginald Dockery against Steel Pipe Supply. Neither the EEOC nor Steel Supply is a party to this action.

As the EEOC is not a party to this action, the Court has no jurisdiction over it to order production of the requested records. The fact that Plaintiff does not oppose this motion does not work to confer jurisdiction on the Court.

In certain circumstances, the EEOC will consent to the entry of an order to release records. In this case, however, where the records sought relate to an EEOC charge filed against a non-party, the EEOC has not consented to such an order.

Because the Court has no jurisdiction over the EEOC to enter an order to release records and the EEOC has not consented to the entry of such an order, the Court is unable to enter the requested order. Accordingly, the Court must deny Defendants' Motion.

IT IS THEREFORE ORDERED that Defendants' unopposed Motion for Court Order for Reproduction of Records of the Equal Employment Opportunity Commission (doc. 45) is denied.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 1st day of November, 2005.

s/ David J. Waxse

David J. Waxse
U.S. Magistrate Judge

cc: All counsel and *pro se* parties
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