

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

JAMES H. ECKMAN

Plaintiff,

v.

Case No. 05-2318-DJW

SUPERIOR INDUSTRIES
INTERNATIONAL, INC., et al.,

Defendants.

ORDER

Pending before the Court is Plaintiff's Motion for Subpoena of Documents from the Kansas Department of Labor (doc. 85). More specifically, Plaintiff requests the Court issue a subpoena to the Kansas Department of Labor for production of the transcripts from his unemployment benefits appeal hearing (docket number 504026) presided over by Judge Jerry R. Wilson on May 6, 2005. Defendant has not filed a response to this Motion; accordingly, the Court deems the Motion as uncontested pursuant to D. Kan. Rule 7.4.

Because this Court has subject matter jurisdiction over the underlying action, the Court may exercise the powers set forth in the Federal Rules of Civil Procedure to issue subpoenas as to witnesses and documents.¹ A non-party may be compelled to produce documents and things as set forth in Rule 45.² Rule 45 permits the issuance of a subpoena for production or inspection from the district where the production or inspection is to be made, which, in this case, is this Court.³ Such a

¹*U.S. Catholic Conference v. Abortion Rights Mobilization, Inc.*, 487 U.S. 72, 76 (1988) (holding a district court has the power to issue subpoenas as to witnesses and documents, but only if it has subject matter jurisdiction over the underlying action).

²See Fed. R. Civ. P. 34(c).

³See Fed. R. Civ. P. 45(a)(2)(C).

subpoena may be served at any place within this district.⁴ Accordingly, and for good cause shown, it is hereby ordered that

- (1) Plaintiff's Motion for Subpoena of Documents from the Kansas Department of Labor (doc. 85) is **granted**;
- (2) The Clerk of Court is directed to
 - (a) issue and sign a subpoena pursuant to Fed. R. Civ. P. 45(a)(3); and
 - (b) send the signed subpoena to Plaintiff via United States Mail; and
- (3) Plaintiff shall
 - (a) complete the subpoena pursuant to Fed. R. Civ. P. 45(a)(3) as specifically set forth in Fed. R. Civ. P. 45(a)(1); and
 - (b) serve the subpoena as specifically set forth in Fed. R. Civ. P. 45(b).

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 9th day of May, 2007.

s/ David J. Waxse
David J. Waxse
United States Magistrate Judge

cc: All counsel and *pro se* parties

⁴See Fed. R. Civ. P. 45(b)(2).