

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

<b>JIMMY CARROLL RANKIN, SR.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 07-1244-WEB</b>
	)	
<b>KAW NATION OF OKLAHOMA, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	
	)	
	)	

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**MEMORANDUM AND ORDER**

This matter is before the court on Kaw Nation's motion to quash a subpoena served by plaintiff. (Doc. 13). No response in opposition has been filed; thus, the motion is uncontested and GRANTED pursuant to D. Kan. Rule 7.4.<sup>1</sup>

**IT IS THEREFORE ORDERED** that Kaw Nation's motion to quash (**Doc. 13**) is **GRANTED**. Kaw Nation is excused from responding to the subpoena.

Dated at Wichita, Kansas this 4th day of January 2008.

S/ Karen M. Humphreys

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**KAREN M. HUMPHREYS**  
United States Magistrate Judge

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<sup>1</sup>

Equally important, the subpoena was apparently served on the Kaw Nation on September 4, 2007, fifteen days after this lawsuit was filed (August 20, 2007). A party may not seek discovery from any source before the parties have conferred as required by Rule 26(f) except in limited circumstances. Fed. R. Civ. P. 26(d). Plaintiff has not shown that he meets any of the exceptions in Rule 26(d); therefore, the discovery request is premature.