

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES YOUNG, JR. (01),

Defendant.

Case No. 22-20018-01-DDC

MEMORANDUM AND ORDER

On January 19, 2023, defendant James Young, Jr. filed his “Motion for Production of Documents and Objects Pursuant to Fed. R. Crim. P. 17(b) and (c)” (Doc. 22). During a hearing on January 25, 2023, the court expressed its concerns about whether the requested subpoena complied with the standards adopted in *United States v. Nixon*, 418 U.S. 683 (1974). It thus directed the defendant, if he intended to go forward with his request for a subpoena, to provide a memorandum explaining how his proposed subpoena complies with *Nixon*. It also directed the government, if it opposed the motion, to submit a memorandum explaining its opposition. Since then, neither party has submitted a filing on this subject. The court construes this silence to manifest a decision not to go forward on the motion. And given the court’s concerns about *Nixon* on the existing record, the court denies it for this additional reason.

Thus, the court denies defendant’s “Motion for Production of Documents and Objects Pursuant to Fed. R. Crim. P. 17(b) and (c)” (Doc. 22) without prejudice to refiling.

IT IS SO ORDERED.

Dated this 6th day of February, 2023, at Kansas City, Kansas.

s/ Daniel D. Crabtree
Daniel D. Crabtree
United States District Judge