UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

J.H. and DISABILITY RIGHTS MISSISSIPPI

PLAINTIFFS

v. CIVIL ACTION NO. 3:11cv327-DPJ-FKB

HINDS COUNTY, MISSISSIPPI DEFENDANT

ORDER

This case is before the Court on the Motion to Quash Subpoena [96] filed by Johnnie McDaniels, Executive Director of the Henley-Young Youth Detention Center. Having considered the premises, the motion is granted.

On June 14, the proposed intervenor apparently served a subpoena duces tecum on McDaniels seeking "original (unedited) incident reports for incidents involving a minor child/children occurring at Henley-Young Detention Center within the last twenty-four (24) months." Mot. [96] at 1–2.[1] McDaniels moved to quash, arguing that a non-party may not issue subpoenas, the ten-day response deadline provided for in the subpoena is insufficient, and the subpoena is unduly burdensome.

The proposed intervenor filed a brief response that does not substantively address the movant's concerns. In particular, the response never addresses the standing issue. But assuming, without deciding, that a non-party may issue subpoenas and that the 10-day response deadline is sufficient, the Court agrees that, under the circumstances, the subpoena is unduly burdensome.

[1]McDaniels says that the objected-to subpoena is docketed at [94], but the subpoena docketed at [94] appears to compel McDaniels's attendance at the June 27, 2016 evidentiary hearing in this matter.

Among the factors to consider in assessing "[w]hether a burdensome subpoena is reasonable" are "the party's need for the documents" and the "relevance of the information requested." *Wiwa v. Royal Dutch Petroleum Co.*, 392 F.3d 812, 818 (5th Cir. 2004) (footnote and internal quotation marks omitted).

McDaniels has submitted unrebutted evidence that, since he became the Executive Director of Henley-Young in April 2015, his office has provided the Youth Court with courtesy copies of all incident reports. McDaniels Aff. [96-1] ¶ 10. So the proposed intervenor already has incident reports from the past fourteen months. And to the extent *any* incident reports are relevant to the issues pending before the Court in the Motion to Intervene [65] and two motions [72, 73] for injunctive relief, the proposed intervenor has not explained in response why incident reports from before McDaniels's tenure at Henley-Young are sufficiently relevant to justify the burden of production.

It is therefore ordered that the Motion to Quash Subpoena [96] is granted and the document-production subpoena at issue is hereby quashed.

**SO ORDERED AND ADJUDGED** this the 21st day of June, 2016.

s/ *Daniel P. Jordan III*
UNITED STATES DISTRICT JUDGE