

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TAVIS D. DOYLE,

Defendant.

No. 10-30057-DRH

ORDER

HERNDON, Chief Judge:

Pending before the Court is a letter from defendant to AUSA Robert Garrison from Doyle and a return letter from AUSA Garrison to Doyle which was filed with the Court (Doc. 278). The Court construes the letter as a motion for subpoenaed records. Specifically, defendant asks for all the information relating to the subpoenas executed on the phone records of the cell phone number 618-267-3489 and the corresponding numbers from the district court docket relating to those subpoenas. The motion merely states that he needs these documents because he is preparing a 28 U.S.C. § 2255 petition. The government filed a response stating that it has given Doyle all the phone records that it received (Doc. 279).

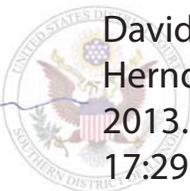
Section 28 U.S.C. § 753(b), as construed by the Seventh Circuit, allows an indigent defendant to obtain free copies of documents in the court's file if he shows that he has exhausted all other means of access to the file and that the documents

are necessary for the preparation of some specific non-frivolous court action. See *United States v. Wilkinson*, 618 F.2d 1215, 1218-19 (7th Cir. 1980); *Rush v. United States*, 559 F.2d 455, 459 (7th Cir. 1977).

Here, defendant's letter/motion is clearly insufficient. His motion is silent as to whether he has exhausted his other sources - his previous attorneys - for obtaining the court documents he seeks. Also, the government has stated repeatedly that it has given Doyle these phone records and it gave these records to his lawyers. Further, defendant fails to demonstrate that he needs the records for a non-frivolous action. He merely requests these documents to prepare a 28 U.S.C. § 2255 petition that has not been filed. Accordingly, the Court **DENIES** defendant's motion for subpoenaed records (Doc. 278).

IT IS SO ORDERED.

Signed this 7th day of November, 2013.

  David R.
Herndon
2013.11.07
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**Chief Judge
United States District Judge**