

TO BE PUBLISHED

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

RODNEY F. JACKSON,

Plaintiff,

vs.

SCOTT GREEN; KATHLEEN PETRIE;
KEITH PETRIE, and KPTOO, INC.;

Defendants.

No. C10-4058-PAZ

No. C11-4101-DEO

**ORDER AND REPORT AND
RECOMMENDATION**

This matter is before the court on the *pro se* plaintiff's motion for a subpoena (Doc. No. 38) filed in case no. C10-4058-PAZ and motion to change venue filed in case no. C11-4101-DEO (Doc. No. 4). On January 12, 2012, the motion to change venue was referred to the undersigned Magistrate Judge for a report and recommendation. On January 17, 2012, the court held a telephonic hearing on both motions. Rodney Jackson appeared on his own behalf. Robert Stewart appeared on behalf of the defendants.

The plaintiff's motion for a subpoena (Doc. No. 38) in case no. C10-4058-PAZ is **granted**. The Clerk of Court is to issue a subpoena to the Sheldon, Iowa, Police Department, directing the production of the investigative report produced by Officer David D. Lich, related to the arrest of the plaintiff, Rodney Jackson, on February 2, 2009. The United States Marshal is directed to serve the subpoena on the Sheldon Police Department without prepayment of fees and costs.

In his motion for change of venue in case no. C11-4101-DEO, the plaintiff requests that his case "be transferred to a different court due to plaintiff's conflict of interest in this

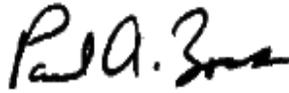
O'Brien County Court" from where he removed the matter to this court. Because this matter is now in federal court, it is **recommended** that the plaintiff's motion for a change of venue (Doc. No. 4) filed in case no. C11-4101-DEO be **denied as moot**.¹

The plaintiff is directed to file in case no. C11-4101-DEO an amended complaint **by no later than February 21, 2012**, recasting his claims to accurately state his claims and the pertinent facts related to such claims that are separate and distinct from the claims he raises in his amended complaint in case no. C10-4058-PAZ.

It is further ordered that the matters in case nos. C10-4058-PAZ and C11-4101-DEO are consolidated for purposes of discovery and pretrial matters only.

IT IS SO ORDERED.

DATED this 17th day of January, 2012.



PAUL A. ZOSS
CHIEF MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT

¹ Objections to the Report and Recommendation in accordance with 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b) must be filed within fourteen (14) days of the service of a copy of this Report and Recommendation. Objections must specify the parts of the Report and Recommendation to which objections are made, as well as the parts of the record forming the basis for the objections. *See* Fed. R. Civ. P. 72. Failure to object to the Report and Recommendation waives the right to *de novo* review by the district court of any portion of the Report and Recommendation as well as the right to appeal from the findings of fact contained therein. *United States v. Wise*, 588 F.3d 531, 537 n.5 (8th Cir. 2009).