

FILED

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION

2008 OCT -7 AM 11: 04

CASE NO. 2:06-cv-444-FtM-34SPC

U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS, FLORIDA

CHRISTIAN F. MEISTER,

Plaintiff,

v.

MIKE SCOTT in his official capacity as Sheriff of Lee County, Florida; MIKE SCOTT in his individual capacity as Sheriff of Lee County, Florida; DON HUNTER in his official capacity as Sheriff of Collier County, Florida; each of J.J. CARROLL, RICHARD SNYDER, RYAN JUSTHAM, STEPHAN PIERCE, GENE SIMS, PEDRO J. SOTO, MIKE JOHNSTON, each of the foregoing, jointly and severally,

Defendants.

PLAINTIFF'S MOTION FOR AN ORDER TO SHOW CAUSE WHY A CONTEMPT CITATION SHOULD NOT ISSUE

Plaintiff Christian F. MEISTER, proceeding Pro Se, (hereinafter "MEISTER") hereby files PLAINTIFF'S MOTION FOR AN ORDER TO SHOW CAUSE WHY A CONTEMPT CITATION SHOULD NOT ISSUE pursuant to Federal Rules of Civil Procedure 45(e), moves this Court for an Order, and Plaintiff states as follows:

1. A nonparty's failure to obey a subpoena without adequate excuse is contempt of court. FRCP 45(e).
2. The Undersigned issued a subpoena.
3. The Undersigned received a letter dated December 3, 2007, from the School District of Lee County School Board Attorney Mr. Keith Martin, in which letter it was acknowledged that

"[t]he Academy is in possession of the portion of the requested documents which are records of yourself and other cadets of the Academy."

4. In a telephone communication dated August 20, 2008, the Undersigned contacted Attorney Martin, following which it was arranged that the Undersigned meet Mr. Tim Day, director of the Southwest Florida Criminal Justice Academy, on Tuesday, August 26, 2008, at 9 a.m. in order to inspect and copy documents.

5. On August 26, 2008, the Undersigned arrived at the location at 9 a.m. and made contact with Day. At that time, Day became agitated and patronized the Undersigned, yet making available for a brief period of time certain files to the Undersigned for inspection. The Undersigned proceeded with the inspection of the documents following which Day, after about 15 minutes, demanded that the Undersigned cease to inspect the documents and leave the location. The Undersigned immediately complied. The Undersigned did not receive any copies.

6. On said day and time, Day became argumentative and disrespectful, patronizing, and also harassing the Undersigned about his Florida State Officer Certification, i.e., questioning whether the Undersigned was a "Florida State Certified Officer;" ridiculing the Undersigned within the context of an academy teacher/ academy trainee relationship; attempting also to deny the Undersigned of his United States Constitution's First Amendment protected rights, stating that the Undersigned was, per local regulations, not permitted to wear the Undersigned's t-shirt--the t-shirt was marked "Meister For Sheriff" on campus; also stating that the Undersigned, proceeding Pro Se, was "not going to play attorney." Day also said that Meister was not going to get 100s of copies of documents.

7. On said day and time, Plaintiff Meister stated to Day that he was there solely to conduct court business, and that the focus was on it and not on any other matters. When Day

continued to patronize the Undersigned, the Undersigned stated that the Undersigned was at the location solely in his capacity as an officer of the court and stated that Meister was not a recruit, as he had been in the past.

8. On said day and time, Day attempted to restrict the number of copies the Undersigned could make, thereby violating the Federal Rules of Civil Procedures and/or Local Rules.

9. Day's conduct in which he refused to provide the Undersigned the requested discovery and failure to obey a subpoena without adequate excuse is contempt of court. FRCP 45(e).

10. Plaintiff herein incorporates a letter by the School District of Lee County, dated December 3, 2007, herein attached as Plaintiff's Exhibit #1.

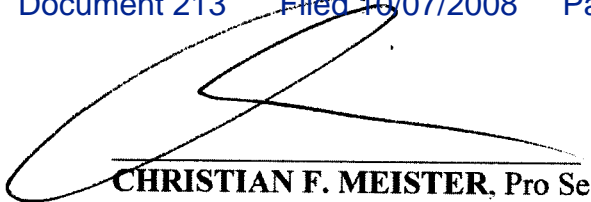
11. **Local Rule 3.01(g) certification:** The undersigned has contacted the School District of Lee County School Board Attorney Mr. Keith Martin via telephone on 9/25/2008 at about 1:30 p.m. and requested Counsel's concurrence in the relief sought by Plaintiff Meister in this action but Counsel did not concur.

MEMORANDUM OF LAW

The Southwest Florida Criminal Justice Academy's conduct in which the Undersigned was refused to inspect and copy discovery documents is contempt of court. FRCP 45(e) (A nonparty's failure to obey a subpoena without adequate excuse is contempt of court.).

WHEREFORE, based upon the foregoing, Plaintiff MEISTER, proceeding Pro Se, hereby requests that this Court Grant PLAINTIFF'S MOTION FOR AN ORDER TO SHOW CAUSE WHY A CONTEMPT CITATION SHOULD NOT ISSUE pursuant to Federal Rules of Civil Procedure 45(e), and such other and further relief as is deemed appropriate by this Court.

RESPECTFULLY SUBMITTED,



CHRISTIAN F. MEISTER, Pro Se

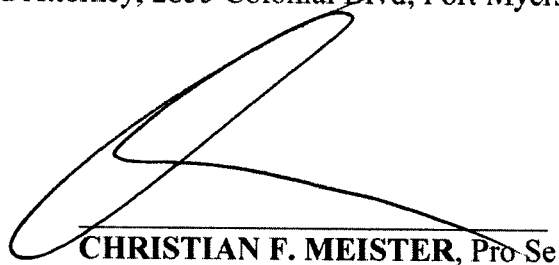
CHRISTIAN F. MEISTER
P.O. Box 60662
Fort Myers, Florida 33906
786-390-4985

Date: October 6, 2008

CERTIFICATE OF SERVICE

I certify that a copy of the document has been served, by First Class, United States Mail, properly addressed and postage prepaid, to the following counsel of record: Robert C. Shearman, Post Office Box 280, Fort Myers, Florida 33902-0280; Richard M. Pierro, Mark E. Levitt, 324 S. Hyde Park Avenue, Suite 225 Tampa, Florida 33606-4127; The School District of Lee County, Office of the School Board Attorney, 2855 Colonial Blvd, Fort Myers, FL 33966-1012.

Date: October 6, 2008



CHRISTIAN F. MEISTER, Pro Se

444-chr-08-0912-0632-n-08-1006-0018