UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

UNITED STATES OF AMERICA PLAINTIFF

v. No. 2:21-CR-20030-001

BILLY JOE TAYLOR DEFENDANT

ORDER

On June 9, 2023, judgment was entered on Defendant Billy Joe Taylor's conviction and sentence in this Court for conspiracy to commit health care fraud and money laundering. *See* Doc. 125. Mr. Taylor currently has an appeal from that judgment pending before the Eighth Circuit Court of Appeals. *See* Doc. 130. On October 16, Mr. Taylor filed a motion asking the Eighth Circuit to compel this Court to provide him with the entire record in this case. *See* Case No. 23-2482 (8th Cir.), Entry ID 5327031. The Eighth Circuit denied that motion the following day. *See id.*, Entry ID 5327035. A week later, Mr. Taylor filed a motion in this Court seeking essentially identical relief to what the Eighth Circuit had just denied. *See* Doc. 139. To whatever extent this Court has jurisdiction to grant the relief Mr. Taylor requests, *see Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (ordinarily district court is divested of jurisdiction over matters on appeal during the appeal's pendency), and to whatever extent this Court is not barred by the law-of-the-case doctrine from awarding relief that has already been denied by the Eighth Circuit, *see Alexander v. Jensen-Carter*, 711 F.3d 905, 910 (8th Cir. 2013) (law-of-the-case doctrine does not apply to interlocutory orders), the Court finds that granting the relief Mr. Taylor requests would improperly interfere with and undermine the Eighth Circuit's ability to manage its own docket. Accordingly, Mr. Taylor's motion for copies of the entire record in this case (Doc. 139) will be denied.

Also before this Court is Mr. Taylor's October 30, 2023 motion requesting that this Court issue a subpoena commanding his former attorney to provide him with his entire case file. *See* Doc. 140. Mr. Taylor's motion cites no legal authority supporting this request, and this Court is unaware of any. For example, Federal Rule of Criminal Procedure 17 contemplates the issuance of subpoenas directing a "witness" to produce documents "before trial or before they are to be offered in evidence." *See* Fed. R. Crim. P. 17(c)(1). But nothing in that Rule appears to contemplate the sort of relief Mr. Taylor is requesting. So this motion will also be denied.

IT IS THEREFORE ORDERED that Defendant Billy Joe Taylor's motion for copies of documents (Doc. 139) and motion for subpoena (Doc. 140) are both DENIED.

IT IS SO ORDERED on this 1st day of November, 2023.

/s/ P. K. Holmes, III

P.K. HOLMES, III
U.S. DISTRICT JUDGE