

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
MISSISSIPPI, NORTHERN DIVISION

Joseph Shelby v. Hinds County, Mississippi, et al.

Shelby v. Hinds County · No. 3:24-CV-483-DPJ-ASH · Decided February 11, 2026

SUMMARY

The United States District Court for the Southern District of Mississippi denied Joseph Shelby’s motion to compel discovery in his First Amendment retaliation lawsuit against Hinds County and related defendants. The court held that the motion was procedurally deficient and untimely under the Federal Rules of Civil Procedure and the court’s local rules, and that Shelby had not identified discovery requests requiring production of the requested information.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                              |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Southern District of Mississippi, Northern Division                                                                                                                                                                     |
| WRITING FOR THE COURT | Andrew S. Harris                                                                                                                                                                                                                                             |
| JURISDICTION          | United States District Court for the Southern District of Mississippi, Northern Division                                                                                                                                                                     |
| DECIDED               | February 11, 2026                                                                                                                                                                                                                                            |
| DOCKET                | 3:24-CV-483-DPJ-ASH                                                                                                                                                                                                                                          |
| DISPOSITION           | other                                                                                                                                                                                                                                                        |
| PROCEDURAL POSTURE    | Plaintiff moved to compel discovery in a First Amendment retaliation action. A United States magistrate judge denied the motion.                                                                                                                             |
| STANDARD OF REVIEW    | The court applied the requirements of Federal Rule of Civil Procedure 37(a)(1), Local Rules 7(b)(2)(C), 37(a), 37(b), and 37(c) to determine whether the motion to compel could be considered and whether the requested production had been properly sought. |
| PRECEDENTIAL VALUE    | unknown                                                                                                                                                                                                                                                      |

TOPICS

- discovery dispute
- civil procedure
- first amendment
- retaliation
- wrongful termination

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the motion to compel should be denied for failure to include the good-faith conferral certifications required by Federal Rule of Civil Procedure 37(a)(1) and Local Rule 37(a).
2. Whether the motion to compel was untimely under Local Rule 7(b)(2)(C) because it was filed only two days before the discovery deadline.
3. Whether the court could compel production when the motion failed to identify or quote the interrogatory or request for production allegedly requiring the requested information.

## HOLDINGS

1. A motion to compel must include the certifications required by Federal Rule of Civil Procedure 37(a)(1) and Local Rule 37(a); attaching email correspondence between counsel does not satisfy those certification requirements.
2. A discovery motion must be filed sufficiently before the discovery deadline to allow time for a response, court ruling, and implementation of the ruling; filing the motion two days before the deadline was untimely.
3. A court cannot compel production under Rule 37 when the movant fails to identify or quote the interrogatory or request for production that sought the information; a party may move to compel only materials that were requested and not produced.

## KEY QUOTATIONS

*“Only if the telephonic conference with the judge is unsuccessful in resolving the issue may a party file a discovery motion.” (II. Analysis)*

*“The Court cannot compel Defendants to produce something Shelby never asked for in discovery.” (II. Analysis)*

## FACTUAL BACKGROUND

Shelby alleged that Hinds County terminated him from his Special Projects Officer position because he supported Supervisor Vern Gavin's unsuccessful reelection campaign. He sought a list of PINs, names, and contact information for Special Projects Officers dating back to 2001, asserting that the information related to allegations concerning a former practice of transferring outgoing supervisors' Special Projects Officers. The motion was filed two days before the discovery deadline and did not identify the interrogatory or request for production to which the requested information was responsive.

## PROCEDURAL HISTORY

Joseph Shelby sued Hinds County and other defendants, alleging that he was terminated from his position as a Special Projects Officer in retaliation for supporting a county supervisor's unsuccessful reelection campaign. After a case-management order established a January 23, 2026 discovery deadline, Shelby sought a discovery

conference and then filed a motion to compel on January 21, 2026. The court denied the motion because it lacked the required good-faith certifications, was untimely, and failed to identify or quote the discovery requests allegedly requiring production.

#### DISPOSITION

other

#### CASES CITED

- Mills v. UPS Store, Inc., No. 3:19-CV-364-CWR-BWR, 2025 WL 525117, at \*6 (S.D. Miss. Feb. 18, 2025)
- Shumaker v. Alarsi, No. 1:23-CV-4-SA-DAS, 2025 WL 3094228, at \*2 (N.D. Miss. Nov. 5, 2025)
- Crosswhite v. Lexington Insurance Co., 321 F. App'x 365, 368 (5th Cir. 2009)

#### OPINION

JOSEPH SHELBY v. HINDS COUNTY, MISSISSIPPI, ET AL.

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF MISSISSIPPI

NORTHERN DIVISION

JOSEPH SHELBY PLAINTIFF

V. CIVIL ACTION NO. 3:24-CV-483-DPJ-ASH

HINDS COUNTY, MISSISSIPPI, ET AL. DEFENDANTS

ORDER

Plaintiff Joseph Shelby has filed a motion to compel discovery in this First Amendment retaliation case. Mot. [40]. As explained below, the Court denies his motion. I. Facts and Procedural History Shelby filed this lawsuit alleging he was terminated from his job as a Special Projects Officer (SPO) with Hinds County, Mississippi, in retaliation for supporting Supervisor Vern Gavin in his unsuccessful campaign for reelection. The undersigned held a telephonic case- management conference with the parties on July 8, 2025, and entered a case-management order on July 14, 2025. That order set a discovery deadline of January 23, 2026, and set the case on United States District Judge Daniel P. Jordan III's September 1, 2026 trial calendar. The case- management order has never been amended except as to the settlement conference setting. On Friday January 9, 2026, Shelby's counsel contacted the Court to request a date for a telephonic discovery conference as required by Section 6.F.4. of the Case Management Order

[25]. That Order requires a discovery conference with the Court as a prerequisite to filing any discovery motion: "Only if the telephonic conference with the judge is unsuccessful in resolving the issue may a party file a discovery motion." Order [25] at 3. That conference was set for and took place three business days later, on Wednesday January 14, 2026. At the conference, "[t]he Court granted Plaintiff leave to file a motion to compel discovery regarding the specific topics

discussed and authorized during the conference.” Jan. 14, 2026 Minute Entry. Shelby filed his motion to compel a week later on January 21, 2026. In it, he asks the Court to compel Defendants to produce a list of “PINs, names, and contact information for SPOs going back to 2001.”<sup>1</sup> Mot. [40] at 2. Defendants responded in opposition to Shelby’s motion, and Shelby filed a reply. II. Analysis Shelby’s motion runs afoul of a number of provisions of the Court’s local rules. First, the motion (1) fails to “include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action” as required by Federal Rule of Civil Procedure 37(a)(1), and (2) omits the good faith certificate required by Local Rule 37(a). Shelby’s attachment of email correspondence between counsel does not satisfy his obligations under Federal Rule 37(a)(1) or Local Rule 37(a), which are “mandatory prerequisite[s] to the consideration of a discovery motion.” *Mills v. UPS Store, Inc.*, No. 3:19-CV-364-CWR-BWR, 2025 WL 525117, at \*6 (S.D. Miss. Feb. 18, 2025). Shelby’s failure to comply with these rules, standing alone, would justify denial of his motion. See L.U. Civ. R. 37(c) (“Failure to comply with subsections (a) or (b) of this rule will result in a denial of the motion without prejudice . . . .”). The next problem is that Shelby’s motion is untimely. Under Local Rule 7(b)(2)(C), “[a] party must file a discovery motion sufficiently in advance of the discovery deadline to allow 1 Shelby explains that “Hinds County uses a system of PINs to keep track of the specific role individual employees fill. . . . [E]very employee of Hinds County has a PIN that is unique to that job. New employees in that role will have the same PIN as their predecessors.” Mot. [40] at 1 (citation omitted). Shelby says data about the PINs is discoverable “because there are allegations about a former practice of transferring outgoing supervisors’ SPOs like Shelby.” *Id.* at 2. response to the motion, ruling by the court and time to effectuate the court’s order before the discovery deadline.” Shelby’s motion was filed a mere two days before the discovery deadline and briefing did not conclude until two weeks after the discovery deadline, so “compliance with Local Rule 7(b)(2)(C) is impossible.”<sup>2</sup> *Shumaker v. Alarsi*, No. 1:23-CV-4-SA-DAS, 2025 WL 3094228, at \*2 (N.D. Miss. Nov. 5, 2025); see L.U. Civ. R. 7(b)(4) (setting deadline for responses to motions of “fourteen days after service of movant’s motion” and permitting the filing of a reply “within seven days after the service of the respondent’s response”). Once again, Shelby’s noncompliance with Local Rule 7(b)(2)(C) would on its own justify denial of the motion.<sup>3</sup> But the most serious failure—the one that affects the merits of his claim to relief—is Shelby’s noncompliance with Local Rule 37(b). That rule requires “[m]otions raising issues concerning discovery propounded under [Federal Rules of Civil Procedure 33 (interrogatories) and 34 (requests for production) to] quote verbatim each interrogatory[ or] request for production . . . to which the motion is addressed.” Shelby’s motion fails to identify an interrogatory or request for production to which a list of “PINs, names, and contact information for SPOs going back to 2001” would be responsive. Mot. [40] at 2. And this matters, because Defendants are only required to respond to discovery requests that have been propounded. See *Crosswhite v. Lexington Ins. Co.*, 321 F. App’x 365, 368 (5th Cir. 2009) (“A party may move to compel production of materials that

are within the scope of discovery and have been requested but not 2 No party moved for an extension of the discovery deadline, and it and the dispositive-motion deadline have now expired. 3 Even if Shelby had filed his motion on January 14—the day of the discovery conference—his motion would still be untimely because Defendants’ response would not have been due until after the close of discovery. received.” (emphasis added)); Fed. R. Civ. P. 37(a)(3)(B) (“A party seeking discovery may move for an order compelling an answer, designation, production, or inspection. This motion may be made if . . . a party fails to answer an interrogatory submitted under Rule 33; or . . . a party fails to produce documents . . . as requested under Rule 34.”). The Court cannot compel Defendants to produce something Shelby never asked for in discovery. And because Shelby failed to quote (or even reference or attach) the interrogatories or requests for production to which he thinks the PIN information is responsive, the Court cannot say on this record whether Shelby asked for that information in discovery. On the merits, then, Shelby has not shown that Defendants have failed to produce something they were required to under the discovery rules. III. Conclusion The Court has considered all arguments. Those not addressed would not have changed the outcome. For the foregoing reasons, Shelby’s motion to compel [40] is denied. SO ORDERED AND ADJUDGED this the 11th day of February, 2026. s/ Andrew S. Harris  
UNITED STATES MAGISTRATE JUDGE