

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

-----  
UNITED STATES OF AMERICA,

Plaintiff,

v.

FREDERICK G. KRIEMELMEYER,

Defendant.  
-----

ORDER

07-CR-0052-C

Defendant Frederick G. Kriemelmeyer has served a subpoena on United States Magistrate Judge Stephen L. Crocker, purportedly to secure the magistrate judge's appearance at a pretrial motion hearing scheduled for June 28, 2007 in this case. Magistrate Judge Crocker has moved pursuant to Fed. R. Crim. P. 17(c)(2) to quash the subpoena, contending that compliance would be unreasonable and oppressive because he has no information that could be relevant to a pretrial motion in defendant's criminal case.

Defendant has not identified the purpose for which he has subpoenaed Magistrate Judge Crocker, but all appearances indicate that he has done so in the magistrate judge's capacity as a federal judicial officer. The subpoena is directed to Stephen L. Crocker, Magistrate Judge, rather than to Stephen L. Crocker as an individual.

Magistrate Judge Crocker is prohibited from testifying about his reasoning in deciding to issue a search warrant for defendant's financial records or about the procedures he followed when issuing the warrant. Matter of Cook, 49 F.3d 263, 265 (7th Cir. 1995) (judge's mental processes are not subject to examination) (citing Fayerwether v. Ritch, 195 U.S. 276, 306-07 (1904)). Like the magistrate judge, I can think of no subject on which he would have information he could provide at a pretrial hearing. It would be unreasonable to require Magistrate Judge Crocker to abandon his judicial duties to appear before Magistrate Judge Owens on the non-existent possibility that he has information relevant to the proceedings against defendant.

#### ORDER

IT IS ORDERED that the subpoena served on United States Magistrate Judge Stephen L. Crocker on behalf of Frederick G. Kriemelmeyer is QUASHED on the ground that compliance with the subpoena would be unreasonable and oppressive.

Entered this 22d day of June, 2007.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge