

No. 04-1229

Before MURPHY, FAGG, and SMITH, Circuit Judges.

PER CURIAM.

Jordan Blair appeals the district court's¹ order quashing his subpoena for his juvenile records. Appellees Bob and Betty Sue Wills; Sam, Deborah, Bo, and Julie Gerhardt; Drew Parrish; Robert O'Briant; Robert Kennedy; and Palm Lane Baptist Church have moved to supplement the record on appeal with a complaint, a motion, and multiple court orders. We grant this motion.

We also dismiss this appeal as moot, because the case for which Blair sought a subpoena is no longer proceeding in the United States District Court for the Eastern District of Missouri, but is instead pending in multiple appeals in this court. See McCook Metals LLC v. Alcoa, Inc., 249 F.3d 330, 334 (4th Cir. 2001) (ancillary court's power to issue subpoenas is dependent on jurisdiction of court where underlying action is pending); Sullivan v. Dickson, 283 F.2d 725, 727 (9th Cir. 1960) (motion to inspect documents under Fed. R. Civ. P. 34 or 45(b) cannot be granted in absence of pending proceeding), cert. denied, 366 U.S. 951 (1961); cf. 9A Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 2456 at 29 (2d ed. 1995) ("subpoena may issue only in aid of a pending action").

Accordingly, we dismiss this appeal. See 8th Cir. R. 47A(a).

¹The Honorable Robert T. Dawson, United States District Judge for the Western District of Arkansas.