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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Theodore Jacob Jones,

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No. CV-12-435-PHX-SRB (LOA)

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Plaintiff,

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**ORDER**

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vs.

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CO II Forbs, et al.,

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Defendant.

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This matter is before the Court on Plaintiff’s Motion to Compel, doc.23, Plaintiff’s Motion to Request Forms (Multiple), doc. 24, and Plaintiff’s Motion to Request Forms, doc. 25. All three documents were filed on August 1, 2012.

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**I. Background**

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Plaintiff filed his Prisoner Civil Rights Complaint on March 1, 2012, against Defendant Forbs, Sanchez, Scott, Curron and Charles Ryan. (Doc. 1) Plaintiff alleged three causes of action under the Eighth Amendment. The Court granted Plaintiff *in forma pauperis* status, but dismissed the complaint for failure to state a claim. (Doc. 7) Thereafter, Plaintiff filed an amended complaint on May 3, 2012, against COII Forbs and COII Sanchez. (Doc. 9) The Court statutorily screened the First Amended Complaint and ordered Defendants Forbs and Sanchez answer the amended complaint. (Doc. 11) On July 10, 2012, Plaintiff moved the Arizona Department of Corrections (“ADOC”) to furnish the address of A. Sanchez. (Doc. 13) The Court denied Plaintiff’s motion, but ordered Plaintiff be provided

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1 with five subpoenas in blank and extended to September 12, 2012, the time for Plaintiff to  
2 discover the service information for Defendant Sanchez. That date has not yet passed.

### 3 **II. Pending Motions**

4 Plaintiff has three motions currently pending before the Court. Plaintiff's first motion,  
5 doc. 23, is a motion to compel, requesting the Court to order the ADOC to provide Plaintiff  
6 with the names and addresses of all three corrections officers involved in the alleged incident  
7 in order to assist Plaintiff in serving the individuals. First, Plaintiff's First Amended  
8 Complaint names only two defendants, *i.e.* Forbs and Sanchez. The Court does not know  
9 who the third defendant is to whom Plaintiff is referring. Second, Plaintiff has already been  
10 provided five subpoenas in blank to facilitate his attempt to obtain the proper address for  
11 Defendant Sanchez. He was given until September 12, 2012 to obtain the proper address of  
12 Defendant Sanchez. The Court's docket reflects that Defendant Sanchez was served on  
13 August 22, 2012, and therefore the issue is moot with respect to Defendant Sanchez. With  
14 respect to Defendant Forbs, Plaintiff should have sufficient subpoena ability to obtain  
15 information as to his address. If, however, Plaintiff provides the Court with copies of the five  
16 subpoenas used to determine Defendant Sanchez' address, the Court will provide Plaintiff  
17 with additional subpoenas to obtain information about Defendant Forbs. Therefore, the Court  
18 will deny Plaintiff's Motion to Compel, doc. 23, without prejudice. To the extent Plaintiff  
19 seeks to confirm the identities of the Defendants involved in the alleged incident, that  
20 information can be determined through the discovery process once service is completed.

21 Plaintiff's second pending motion is a Motion to Request Forms (multiple), doc. 24.  
22 In this request, Plaintiff asks the Court to provide him with a Request for Waiver of Service  
23 of Summons, a Notice of Lawsuit form and a Request for a Summons, Complaint and Order.  
24 (Doc. 24 at 1) On June 22, 2012, the Court ordered that the Clerk of Court send Plaintiff the  
25 necessary service packet, which would include these documents. (Doc. 11) Plaintiff has not  
26 stated that he has not received these documents, or if he did, why he needs an additional set.  
27 The Court will deny Plaintiff's Motion to Request Forms (multiple), doc. 24, without  
28 prejudice.

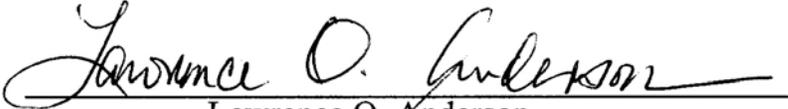
1 Plaintiff's third pending motion is another Motion to Request Forms, doc. 25. In this  
2 motion, Plaintiff requests the Court to provide him with three separate service process receipt  
3 and return forms. Plaintiff provides no explanation why he needs these forms. In addition,  
4 in the Court's June 22, 2012 Order, the Clerk of the Court was directed to provide Plaintiff  
5 with the appropriate service packet. (Doc. 11) Plaintiff has not stated that he did not receive  
6 this service packet or that if he did, why he needs an additional one. The Court will deny  
7 Motion to Request Forms, doc. 25, without prejudice.

8 **IT IS ORDERED** that Plaintiff's Motion to Compel, doc. 23, is **DENIED** without  
9 prejudice.

10 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Forms (multiple), doc. 24,  
11 is **DENIED** without prejudice.

12 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Forms, doc. 25, is  
13 **DENIED** without prejudice.

14 Dated this 4<sup>th</sup> day of September, 2012.

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17 Lawrence O. Anderson  
18 United States Magistrate Judge  
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