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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Kenneth Wilson Norwood,
Plaintiff,

vs.

Suzan Hubbard, et al.,
Defendants.

) No. 1:07-CV-00889-SMM

) **ORDER**

15 Before the Court is Plaintiff's "Motion the Court to Please Send Plaintiff 2 Subpoena
16 Duces Tecum Documents" (Doc. 67). Generally, a subpoena duces tecum may be used to
17 compel the production of books, papers, and documents that are relevant to a proceeding.
18 98 C.J.S. Witnesses § 40 (2010). Documents of which production is sought to be compelled
19 by a subpoena duces tecum should be specified with certainty so that the documents can be
20 identified and the court can determine whether the request is proper. Id. §§ 41, 45.

21 Plaintiff states that he will use the subpoenas in order "to process legal business that
22 will process Plaintiff's 1983 civil rights action suit," but he states nothing further (Doc. 67).
23 Plaintiff does not specify what documents he is requesting, and he offers no explanation for
24 why he needs the unidentified documents. Because Plaintiff does not elaborate upon his one-
25 sentence explanation, the Court cannot determine whether his request is proper and,
26 therefore, will deny the request.

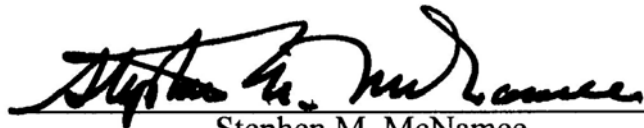
27 As the Court stated in the initial Scheduling Order dated April 14, 2010 (Doc. 54), the
28 parties should comply with all Federal Rules of Civil Procedure, including the rules
governing discovery. In particular, Plaintiff should follow Federal Rule of Civil Procedure

1 34 regarding requests for production of documents. The Court cannot advise Plaintiff on
2 how to conduct discovery, which “would undermine [the] district judges’ role as impartial
3 decisionmakers.” See Piler v. Ford, 542 U.S. 225, 231 (2004). Moreover, the Constitution
4 does not guarantee prisoners the right to effectively litigate their claims. Lewis v. Casey, 518
5 U.S. 343, 354 (1996). While prisoners have a right of access to the courts, this right only
6 encompasses the ability to raise a claim before the court. Id. Once a prisoner has filed his
7 claims with a court, he has no right to discover or effectively litigate such claims. Id.

8 Accordingly,

9 **IT IS HEREBY ORDERED** that Plaintiff’s “Motion the Court to Please Send
10 Plaintiff 2 Subpoena Duces Tecum Documents” (Doc. 67) is **DENIED**.

11 DATED this 30th day of July, 2010.

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15 Stephen M. McNamee
16 United States District Judge
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