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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

NICOLAS MORAN,

Plaintiff,

v.

JOHN DOVEY, et al.,

Defendants.

CASE NO. 1:08-cv-00016-GBC (PC)

ORDER DENYING PLAINTIFF’S MOTION  
FOR SUBPOENAS

(Doc. 104)

Plaintiff Nicolas Moran (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s second amended complaint, filed on November 18 2008. (Docs. 20, 29, 30).

Plaintiff is requesting that the Court send Plaintiff subpoena forms so that he can serve subpoenas on the Defendants. However, Plaintiff must first request discovery from Defendants and if Defendants fail to make a disclosure required by Rule 26(a) of the Federal Rules of Civil Procedure, then Plaintiff may seek a motion to compel. See Fed.R.Civ.P. 37(a)(1) and (a)(3)(A). In addition, Plaintiff may request issuance of subpoenas from the Clerk of Court pursuant to Rule 45(a)(3). Plaintiff’s in forma pauperis status will not relieve him from the payment of fees or expenses associated with the subpoenas. See *Tedder v. Odel*, 890 F.2d 210, 211-212 (9th Cir.1989). Plaintiff must first serve the subpoenas, and if the subpoenaed parties do not comply, then Plaintiff may file a motion to compel those parties to comply with the subpoenas.

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1           Based on the foregoing, it is HEREBY ORDERED that Plaintiff's motion requesting  
2 subpoena forms, filed on April 20, 2011, is DENIED. (Doc. 104).

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4 IT IS SO ORDERED.

5 Dated: October 13, 2011

  
UNITED STATES MAGISTRATE JUDGE