

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JEAN-PIERRE K. THOMAS,

1:08-CV-00689-OWW-DLB PC

Plaintiff,

ORDER REGARDING REQUEST FOR  
SUBPOENA

v.

(DOC. 42)

M. GARCIA, et al.,

Defendants.

DEFENSE COUNSEL’S RESPONSE DUE  
WITHIN THIRTY DAYS

Plaintiff Jean-Pierre K. Thomas (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendants Bonilla and M. Garcia for violation of the Eighth Amendment. Pending before the Court is Plaintiff’s motion requesting issuance of a subpoena for Kern Valley State Prison to produce the personal address of Defendant Mario P. Garcia for service of process.

Plaintiff is not proceeding in forma pauperis, and thus is not entitled to service of process by the United States Marshal as a matter of law. Plaintiff also did not request service be made by the United States Marshal pursuant to Federal Rule of Civil Procedure 4(c)(3), by which the Court can order the United States Marshal to effect service. While the Court understands there are concerns regarding Defendant Garcia’s privacy, Plaintiff is entitled to obtaining Defendant Garcia’s address for service of process.

For purposes of judicial expediency and efficiency, the Court will require Defendant’s counsel to respond to Plaintiff’s request for subpoena. If the Office of Legal Affairs for the CDCR would be willing to accept service on behalf of Defendant Garcia, or some other means of service of process is available for Defendant Garcia, then there will be no need for the Court to issue a subpoena in this matter. Otherwise, the Court will issue a subpoena for the production of Defendant’s personal address.

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Based on the foregoing, the Court HEREBY ORDERS that defense counsel respond to Plaintiff's request for subpoena within thirty (30) days from the date of service of this order. If defense counsel does not respond in a timely manner, the Court will issue the subpoena for the production of Defendant Garcia's personal address.

IT IS SO ORDERED.

**Dated: September 8, 2010**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE