



1 production of documents. (ECF No. 125.) Defendants did not file a response and the motion is  
2 deemed submitted. Local Rule 230(1).

### 3 **II. Discussion**

4 As Plaintiff was previously informed, subject to certain requirements, he is entitled to the  
5 issuance of a subpoena commanding the production of documents from a non-party, Fed. R. Civ. P.  
6 45, and to service of the subpoena by the United States Marshal, 28 U.S.C. 1915(d). The Court will  
7 consider granting such a request only if the documents sought from the non-party are not equally  
8 available to Plaintiff and are not obtainable from Defendants through a request for the production of  
9 documents. Fed. R. Civ. P. 34. A request for the issuance of a records subpoena requires Plaintiff to:  
10 (1) identify with specificity the documents sought and from whom, and (2) make a showing that the  
11 records are only obtainable through that third party.

12 In this case, the Court expressly instructed that any renewed motion for the issuance of third-  
13 party subpoenas must (1) set forth the documents requested and from whom; (2) demonstrate that the  
14 documents are only obtainable through the third party; and (3) establish the relevance of the requested  
15 documents to any claim or defense. (ECF No. 120, p. 3.)

16 Plaintiff's moving papers, which appear to have been prepared by an attorney (Dale  
17 McKinney), blatantly disregard the Court's instructions. Plaintiff does not identify the requested  
18 documents or demonstrate their relevance to his claims or defenses. Instead, he refers the Court to the  
19 attached subpoenas and asserts that the requests contained therein are not overly broad or likely to  
20 result in the production of irrelevant documents. (ECF No. 125, p. 4.) He also asserts that the  
21 requested documents "will show that the Defendant has established a pattern of conduct from past  
22 practices that will show the treatment he subjected the Plaintiff to is consistent with previous conduct."  
23 (ECF No. 125, p. 4.) Plaintiff's statement of purported relevance is not availing. Rather, Plaintiff  
24 appears to place the burden on the Court to sift through the ten subpoenas he has submitted and  
25 determine whether the requests contained in them appropriately fall within the scope of this action and  
26 are relevant to a claim or defense. The Court declines to expend its already taxed resources to do so.  
27 Accordingly, the Court finds that Plaintiff has not established that the requested documents are  
28 relevant to any claim or defense in this action. Fed. R. Civ. P. 26(b). Plaintiff also has not established

1 that the third party requests are limited such that the burden or expense of the proposed discovery does  
2 not outweigh its likely benefit. Fed. R. Civ. P. 26(b)(2)(C)(iii).

3 Additionally, the Court declines to correlate the document requests to any prior document  
4 request served on Defendants. Although Plaintiff contends that Defendants have asserted that certain  
5 additional documents are not in their possession, custody or control, this is not sufficient.

6 **III. Conclusion and Order**

7 For the reasons stated, Plaintiff's motion for the issuance of subpoenas duces tecum, filed on  
8 June 19, 2014, is DENIED.

9 IT IS SO ORDERED.

10 Dated: August 5, 2014

11 /s/ Barbara A. McAuliffe  
12 UNITED STATES MAGISTRATE JUDGE