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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

WALTER RAPALO,)	Case No.: 1:11-cv-01695-LJO-BAM PC
Plaintiff,)	
v.)	ORDER DENYING PLAINTIFF’S REQUEST FOR
)	SUBPOENAED DOCUMENTS WITHOUT COST
S. LOPEZ, et al.,)	(ECF No. 34)
Defendants.)	
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Plaintiff Walter Rapalo (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to [42 U.S.C. § 1983](#). Discovery in this matter opened on February 19, 2014. On July 8, 2014, Plaintiff filed the instant motion requesting copies of subpoenaed documents free of charge. The Court finds a response unnecessary and the motion is deemed submitted.¹ Local Rule 230(l).

In his moving papers, Plaintiff explains that he was served with a subpoena by defense counsel, which directed Ace Attorney Services, Inc. to copy all of Plaintiff’s medical records and inmate appeal files. Ace Attorney Services reportedly contacted Plaintiff and informed him that if wanted a copy of the records, then he would have to pay copy costs. Plaintiff claims that these records

¹ Defendants will not be prejudiced by an inability to respond as the Court lacks authority to grant Plaintiff’s request.

1 are central to this matter and, because he is indigent, the Court should order all documents obtained by
2 Ace Attorney Services to be provided to him without cost.

3 The Court lacks the authority to require a third-party to provide copies to Plaintiff free of
4 charge. Further, Plaintiff has access to his medical records and prison files from which to obtain his
5 own copies. Accordingly, Plaintiff's request for copies of documents obtained by Ace Attorney
6 Services without cost is DENIED.

7 IT IS SO ORDERED.

8 Dated: July 18, 2014

9 /s/ Barbara A. McAuliffe
10 UNITED STATES MAGISTRATE JUDGE

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