

1 and/or tangible things from a nonparty, Fed. R. Civ. P. 45, and to service of the subpoena by the
2 United States Marshal, 28 U.S.C. 1915(d). However, the Court will consider granting such a request
3 only if the documents or items sought from the nonparty are not equally available to Plaintiff and are
4 not obtainable from Defendants through a request for the production of documents, electronically
5 stored information, and/or tangible things. Fed. R. Civ. P. 34. If Defendants object to Plaintiff's
6 discovery request, a motion to compel is the next required step. If the Court rules that the documents,
7 electronically stored information, and/or tangible things are discoverable but Defendants do not have
8 care, custody, and control of them, Plaintiff may then seek a subpoena. Fed. R. Civ. P. 26(b), 34(a)(1).
9 Alternatively, if the Court rules that the documents or items are not discoverable, the inquiry ends.
10 Fed. R. Civ. P. 26(b).

11 In this instance, Plaintiff has not demonstrated that he sought the information from Defendants
12 through a request for the production of documents, electronically stored information, and/or tangible
13 things, and, if he has done so, he has not filed a motion to compel the production of the information.
14 Plaintiff is advised that discovery requests between the parties are not to be filed with the Court, unless
15 and until there is a dispute. Accordingly, Plaintiff's motion for the issuance of a subpoena is
16 **HEREBY DENIED**, without prejudice.

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18 **IT IS SO ORDERED.**

19 Dated: **June 3, 2019**


UNITED STATES MAGISTRATE JUDGE