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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KAREEM MUHAMMAD,)	Case No.: 1:12-cv-01199 - AWI - JLT
)	
Plaintiff,)	ORDER DENYING WITHOUT PREJUDICE
)	PLAINTIFF’S MOTION FOR A SUBPOENA
v.)	DUCES TECUM
)	
CHAD GARRETT,)	(Doc. 8)
)	
Defendant.)	
)	

Kareem Muhammad (“Plaintiff”) is proceeding *pro se* and *in forma pauperis* with an action for a violation of civil rights against defendant Chad Garrett, an officer of the Bakersfield Police Department, in his individual capacity (“Defendant”). Plaintiff requests the Court issue a subpoena duces tecum to Kern Medical Center to produce his medical records. (Doc. 8).

Under Federal Rule of Civil Procedure 45, any party may serve a subpoena that commands a non-party “to produce documents, electronically stored information, or tangible things . . .” Fed. R. Civ. P. 45(a)(1)(C). Subpoenas are subject to the relevance requirements of Rule 26(b), and therefore may command the production of documents which are “nonprivileged [and] . . . relevant to a party’s claim or defense.” Fed. R. Civ. P. 26(b)(1).

Because Plaintiff seeks copies of his own medical records, he may directly request that Kern Medical Center provide copies of his medical records as well as a letter indicating that the records are true and correct copies of the records. *See Haines v. Home Depot U.S.A., Inc.*, 2011 U.S. Dist. LEXIS

1 139372, at *2 (E.D. Cal. Dec. 5, 2011). Therefore, Plaintiff should request these records directly from
2 Kern Medical Center.

3 Moreover, in this case, the Court has not issued summons and Defendant has not been served
4 with the Second Amended Complaint. Thus, the action has not been scheduled, and formal discovery
5 has not yet commenced. Thus, Plaintiff's motion for the issuance of a subpoena duces tecum is
6 premature.

7 Based upon the foregoing, **IT IS HEREBY ORDERED** that Plaintiff's motion for issuance of
8 a subpoena duces tecum is **DENIED WITHOUT PREJUDICE**.

9
10 IT IS SO ORDERED.

11 Dated: September 24, 2012

/s/ Jennifer L. Thurston
12 UNITED STATES MAGISTRATE JUDGE