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

DAVID ESTRADA,	)	Case No.: 1:13cv00919 LJO DLB (PC)
	)	
Plaintiff,	)	
	)	ORDER DENYING PLAINTIFF’S
v.	)	MOTION TO COMPEL RESPONSES
	)	FROM DELORISE P. TASSEY
GIPSON, et al.,	)	
	)	
Defendants.	)	(Document 120)
	)	

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Plaintiff David Estrada (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action. Plaintiff filed his First Amended Complaint on August 7, 2013. Pursuant to the Court’s screening order and Plaintiff’s notice of willingness to proceed on the cognizable claims, this action is proceeding against (1) Defendants Gipson and Espinosa for retaliation in violation of the First Amendment; and (2) Defendants Gipson, Espinosa, Lambert and Cavazos for violation of the Eighth Amendment.

Discovery closed on December 15, 2014, though motions to compel are pending.

On November 20, 2014, Plaintiff filed a motion to compel non-party Delorise P. Tassey to respond to Requests for Production of Documents. He also requested the imposition of sanctions.

Defendants did not file an opposition and the Court deems the matter suitable for decision pursuant to Local Rule 230(1).

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**DISCUSSION**

According to Plaintiff's motion and exhibit, he served Requests for Production of Documents on non-party Delorise P. Tassej on October 26, 2014.<sup>1</sup> Plaintiff contends that Ms. Tassej is in possession of relevant information. In response, Plaintiff states that Defendants' counsel told him to prepare a subpoena.

Indeed, Federal Rule of Civil Procedure 34 provides that "[a] party may serve on any other party" requests for production of documents. In other words, requests for production of documents, as well as other forms of discovery, are limited to the *parties in an action*. Here, Ms. Tassej is not a party and Plaintiff cannot serve her with discovery under Rule 34. The Court therefore cannot compel her to provide a response to Plaintiff's discovery requests.

Plaintiff's motion to compel is therefore DENIED.

IT IS SO ORDERED.

Dated: December 25, 2014

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> This appears to be the second time Plaintiff has served these Requests for Production on Ms. Tassej. The first request is the subject of a separate motion.