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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
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10 GUILLERMO CRUZ TRUJILLO,

11 Plaintiff,

12 v.

13 MUNOZ and ALVAREZ,

14 Defendants.
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Case No. 1:14-cv-00976-LJO-EPG (PC)

ORDER RE: SUBPOENAS SUBMITTED BY
PLAINTIFF

(ECF NO. 98)

17 Guillermo Cruz Trujillo (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma*
18 *pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

19 On October 2, 2019, Plaintiff filed two subpoenas. (ECF No. 98). The subpoenas were
20 submitted without an accompanying motion. It is not clear why the information is being
21 requested, and whether it is unavailable from the parties in this case.

22 As the Court told Plaintiff previously:

23 With the Court’s permission, Plaintiff may serve third party
24 subpoenas, including on the California Department of
25 Corrections and Rehabilitation and/or the Office of the Inspector
26 General, if Plaintiff seeks documents from entities that are not
27 presently defendants in this case. To issue a subpoena on these
28 entities, or any other third parties, Plaintiff must file a request for
the issuance of a subpoena *duces tecum* with the Court. If the
Court approves the request, it may issue Plaintiff a subpoena
duces tecum, commanding the production of documents from a
non-party, and may command service of the subpoena by the

1 United States Marshals Service. Fed. R. Civ. P. 45; 28 U.S.C.
2 1915(d). However, the Court will consider granting such a
3 request *only if* the documents sought from the non-party are not
4 equally available to Plaintiff and are not obtainable from
5 Defendant(s) through a Rule 34 request for production of
6 documents. In any request for a subpoena, Plaintiff must: (1)
7 identify with specificity the documents sought and from whom;
8 and (2) make a showing in the request that the records are only
9 obtainable through a third party. The documents requested must
10 also fall within the scope of discovery allowed in this action. *See*
11 Fed. R. Civ. P. 26(b)(1).

12 (ECF No. 86, pgs. 3-4).

13 Plaintiff failed to make a showing that the documents he is seeking are only available
14 through third parties, rather than through a request on defendants. Additionally, Plaintiff failed
15 to provide any explanation regarding the relevance to this case of the documents he is
16 requesting.

17 Accordingly, the Court will not issue the subpoenas. Plaintiff may file a request for
18 third party subpoenas following the instructions listed above if he wishes to pursue the
19 subpoenas.

20 IT IS SO ORDERED.

21 Dated: October 7, 2019

22 /s/ Eric P. Gray
23 UNITED STATES MAGISTRATE JUDGE
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