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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SHAWN ANDERSON,
Plaintiff,
v.
CHRIS KR PAN, et al.,
Defendants.

CASE NO. 1:14-cv-01380-AWI-MJS (PC)
**ORDER DENYING PLAINTIFF'S MOTION
FOR CIVIL SUBPOENA**
(ECF No. 53)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. The matter proceeds against Defendants Krpan and Forster for medical indifference in violation of the Eighth Amendment. (ECF No. 30.) Both Defendants have filed answers to Plaintiff's complaint. (ECF Nos. 40, 41.)

On August 18, 2017, Plaintiff filed a one-page, hand-written motion asking the Court to send him "two sets of signed and stamped subpoena to produce documents." (ECF No. 53.)

Subject to certain requirements, Plaintiff is entitled to the issuance of a subpoena commanding the production of documents or electronically stored information relevant to his claim from a nonparty. Fed. R. Civ. P. 34(c), 45. However, the Court will consider

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granting such a request only if the documents or electronically stored information sought from the nonparty are not equally available to Plaintiff and are not obtainable from Defendant through a request for production. The Court will not issue a subpoena for a nonparty individual without Plaintiff first following statutory procedure.

Here, Plaintiff has not shown he followed the statutory procedure. His motion does not identify what documents he seeks or from whom.

For these reasons, IT IS HEREBY ORDERED that Plaintiff's motion for civil subpoena (ECF No. 53) is DENIED.

IT IS SO ORDERED.

Dated: September 10, 2017

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE