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7 8	UNITED STAT	ES DISTRICT COURT
° 9	EASTERN DISTRICT OF CALIFORNIA	
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10	DELBERT J. SMITH,) Case No.: 1:16-cv-01267-DAD-SAB (PC)
11	Plaintiff,	ORDER DENYING PLAINTIFF'S MOTION FOR SUBPOENA DUCES TECUM AND GRANTING
12	V.	DEFENDANTS' MOTION FOR EXTENSION OF TIME TO RESPOND TO REQUESTS FOR
13	C. HERNANDEZ, et al.,) INTERROGATORIES
15	Defendants.) (ECF Nos. 27, 28)
16	Plaintiff Delbert J. Smith is appearing pro se and in forma pauperis in this civil rights action	
17	pursuant to 42 U.S.C. § 1983. Currently before	re the Court is Plaintiff's motion for a subpoena duces
18	tecum, filed June 28, 2017, and Defendants' motion for an extension of time to respond to Plaintiff's	
19	interrogatories propounded to Defendants C. Hernandez and Zuniga, filed June 30, 2017.	
20	I.	
21	REQUEST FOR SUBPOENA DUCES TECUM	
22	Plaintiff seeks for the Court to sign and return a blank subpoena duces tecum. Subject to	
23	certain requirements set forth herein, Plaintiff is entitled to the issuance of a subpoena commanding	
24	the production of documents from non-parties, and to service of the subpoena by the United States	
25	Marshal. Fed. R. Civ. P. 45; 28 U.S.C. 1915(d). However, the Court will consider granting such a	
26	request only if the documents sought from the non-party are not equally available to Plaintiff and are	
27	not obtainable from Defendants through a request for production of documents. Fed. R. Civ. P. 34. If	
28	Plaintiff wishes to make a request for the iss	suance of a records subpoena, he may file a motion

requesting the issuance of a subpoend duces tecum that (1) identifies with specificity the documents
 sought and from whom, and (2) makes a showing in the motion that the records are only obtainable
 through that third party.

In this instance, Plaintiff has not identified the documents which he is seeking, who he is seeking documents from, or made a showing that the documents are only obtainable through that third party. Accordingly, Plaintiff's request for a subpoena duces tecum is denied without prejudice.

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II.

MOTION FOR EXTENSION OF TIME

9 Defendants seek an extension of time to respond to Plaintiff's interrogatories propounded to
10 Defendants Hernandez and Zuniga. Defendants need the extension of time to review, edit, and obtain
11 verifications for the responses. The Court finds that good cause exists to grant Defendants' request for
12 an extension of time to respond to Plaintiff's interrogatories. Accordingly, the Court shall grant
13 Defendants' motion for an extension of time.

une 28, 2017, is DENIED without
extension of time to respond to
GRANTED; and Defendants shall
or before August 6, 2017.
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A. De
MAGISTRATE JUDGE