



1 from Defendants through a request for the production of documents, electronically stored  
2 information, and/or tangible things. Fed. R. Civ. P. 34. If Defendants object to Plaintiff's  
3 discovery request, a motion to compel is the next required step. If the Court rules that the items  
4 Plaintiff seeks are discoverable, but Defendants do not have care, custody, and control of them,  
5 Plaintiff may then seek a subpoena. Fed. R. Civ. P. 26(b), 34(a)(1). In that event, Plaintiff must  
6 identify with specificity the documents sought and from whom. Alternatively, if the Court rules  
7 that the documents or items are not discoverable, the inquiry ends. Fed. R. Civ. P. 26(b).

8 Accordingly, it is HEREBY ORDERED that Plaintiff's motion for five subpoenas duces  
9 tecum, filed on August 31, 2017, (Doc. 20), is DENIED without prejudice. Plaintiff shall engage  
10 in regular discovery with Defendants, and may seek subpoenas only if appropriate following such  
11 discovery as set forth above.

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13 IT IS SO ORDERED.

14 Dated: September 13, 2017

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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