

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA
3

4 MONICO J. QUIROGA, III,

5 Plaintiff,

6 vs.

7 J. LEWIS, *et al.*,

8 Defendants.
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1:17-cv-00004-DAD-EPG

ORDER GRANTING REQUEST FOR A
SUBPOENA FORM

(ECF No. 23)

11 Monico J. Quiroga, III ("Plaintiff") has filed a motion to request a subpoena from the
12 Clerk of Court. The Court will GRANT the request insofar as the motion is requesting a blank
13 subpoena form.

14 The Clerk is DIRECTED to send the Plaintiff a blank subpoena *duces tecum* form (AO
15 88B). The Court provides the following procedural guidance for approval and service of the
16 form:

17 With the Court's permission, Plaintiff may serve third party subpoenas, including on the
18 California Department of Corrections and Rehabilitation and/or the Office of the Inspector
19 General, if Plaintiff seeks documents from entities that are not presently defendants in this case.
20 To issue a subpoena on these entities, or any other third parties, Plaintiff must file a request for
21 the issuance of a subpoena *duces tecum* with the Court. If the Court approves the request, it
22 may issue Plaintiff a subpoena *duces tecum*, commanding the production of documents from a
23 non-party, and may command service of the subpoena by the United States Marshal Service.
24 Fed. R. Civ. P. 45; 28 U.S.C. 1915(d). However, the Court will consider granting such a
25 request only if the documents sought from the non-party are not equally available to Plaintiff
26 and are not obtainable from Defendant(s) through a request for production of documents. Fed.
27 R. Civ. P. 34. In any request for a subpoena, Plaintiff must: (1) identify with specificity the
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documents sought and from whom; and (2) make a showing in the request that the records are only obtainable through that third party. The documents requested must also fall within the scope of discovery allowed in this action. *See* Fed. R. Civ. P. 26(b)(1).

Upon receipt of the form:

A. Plaintiff shall make any additional required copies of the form (additional blank forms will not be provided).

B. Plaintiff shall fill out the header, and the following fields:

1) "To:" (Name of person to whom this subpoena is directed) including the location of the person or entity to be served;

2) "Production" by checking the box and identifying with specificity the documents sought; and

3) "Place:" by providing his own name and address for delivery of the requested documents.

C. Plaintiff shall leave the remainder of the fields blank (including, but not limited to, "Date and Time:"). The Court will fill in the remainder of the fields, when received and if approved for service.

IT IS SO ORDERED.

Dated: September 21, 2017

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE