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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANGELINA NUNES, et al.,
Plaintiffs,
v.
COUNTY OF STANISLAUS, et al.,
Defendants.

Case No. 1:17-cv-00633-DAD-SAB
ORDER REQUIRING PARTIES TO
PROVIDE SUPPLEMENTAL BRIEFING RE
JURISDICTION OVER JUVENILE COURT
OR WITHDRAW THE STIPULATION
(ECF No. 27)
DEADLINE: NOVEMBER 16, 2017

Plaintiffs Angelina Nunes, Emanuel Alves, and two minor children filed this action against the County of Stanislaus, Kristen Johnson, and Eric Anderson alleging claims based upon the removal of the minor children by social workers. (ECF No. 1.) On November 2, 2017, the parties filed a stipulation to require the Clerk of the Juvenile Court to produce records contained in the juvenile dependency case files. (ECF No. 25.) On November 3, 2017, an informal teleconference was held to discuss whether this Court had jurisdiction to order the Juvenile Court to produce such records. (ECF No. 26.) The parties filed an amended stipulation on November 9, 2017, addressing the confidentiality of the records. (ECF No. 27.)

While the stipulation of the parties addresses the confidentiality of the records, the question is whether this Court has jurisdiction to order the Juvenile Court to produce discovery within a specified time period. The Court has no jurisdiction over the Juvenile Court which is

1 not a party to this action. See Ruhrgas AG v. Marathon Oil Co., 526 U.S. 574, 584 (1991)
2 (“Personal jurisdiction, too, is an essential element of the jurisdiction of a district ... court,
3 without which the court is powerless to proceed to an adjudication.”)

4 Rule 26 of the Federal Rules of Civil Procedure provides that a party is able to obtain
5 discovery from another party in the action. Rule 45 of the Federal Rules of Civil Procedure
6 provides the manner in which parties are to seek discovery from nonparties to an action. The
7 parties have provided no authority, and the Court is not aware of any authority other than Rule
8 45, that allows the federal court to order a nonparty state court to produce records.

9 Accordingly, IT IS HEREBY ORDERED that the parties shall either file supplemental
10 briefing regarding this Court’s jurisdiction over the Juvenile Court or a notice of withdrawal of
11 the stipulation for disclosure of juvenile court files from the nonparty by November 16, 2017.

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13 IT IS SO ORDERED.

14 Dated: November 13, 2017


UNITED STATES MAGISTRATE JUDGE

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