1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 CASE NO. 1:17-cv-01610-LJO JLT (PC) DAVID LEE BROCK, ORDER DENYING PLAINTIFF'S 12 Plaintiff. MOTION TO ENTER DEFAULT AND **JUDGMENT**; AND 13 v. 14 ORDER TO SHOW CAUSE TUOLUMNE COUNTY SHERIFF'S OFFICE, et al., 15 (Doc. 23) Defendants. 16 17 The United States Marshal served non-party Tuolomne County Sheriff's Office ("TCSO") 18 with a subpoena on January 11, 2019, via email to Christopher Schmidt, County Counsel. (See 19 Docs. 21-22.) Plaintiff sought the subpoena to identify the names and positions of Does 1, 2, and 20 3 who, as described in the second amended complaint, booked plaintiff in 2016. The Court's 21 Order directed the Litigation Coordinator of TCSO to serve the responsive documents on plaintiff 22 within thirty days. Based a recent motion filed by plaintiff, it appears that the TCSO Litigation 23 Coordinator did not follow this directive. (Doc. 23.) 24 Federal Rule of Civil Procedure 45(g) provides that "The court for the district where 25 compliance is required ... may hold in contempt a person who, having been served, fails without 26 adequate excuse to obey the subpoena or an order related to it." Since documents responsive to 27 the subpoena were due but not delivered within thirty days of service, TCSO will be directed to 28

1 show cause why it should not be held in contempt for failing to comply with that deadline. 2 In addition, plaintiff moves for an entry of default and judgment against the defendants for 3 failing to comply with the subpoena deadline. Since there have not been any appearances by the 4 defendants, this motion will be denied. Based on the foregoing, the Court **ORDERS** that: 5 1. Plaintiff's motion for entry of default and judgment (Doc. 23) is DENIED; 2. The Clerk of Court shall serve two copies of this Order on the United States Marshal; 6 7 3. Within 20 days from the date of this order, the United States Marshal is DIRECTED 8 to serve a copy of this Order on the Litigation Coordinator at TCSO; 9 4. The Clerk of the Court is DIRECTED to serve a courtesy copy of this order to: 10 Christopher Schmidt, Deputy County Counsel Office of the Tulare County Counsel 11 2900 Burrel Avenue Visalia, CA 93291 12 13 5. Within 21 days from the date of service of this Order, the TCSO shall show cause why 14 it should not be held in contempt for failing to comply with the subpoena served on 15 January 11, 2019. 16 IT IS SO ORDERED. 17 Dated: March 8, 2019 /s/ Jennifer L. Thurston 18 UNITED STATES MAGISTRATE JUDGE 19 20 21 22 23 24 25 26 27 2 28