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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID LEE BROCK,
Plaintiff,
v.
TUOLUMNE COUNTY SHERIFF'S
OFFICE, et al.,
Defendants.

CASE NO. 1:17-cv-01610-LJO JLT (PC)
**AMENDED ORDER DENYING
PLAINTIFF'S MOTION TO ENTER
DEFAULT AND JUDGMENT; AND
ORDER TO SHOW CAUSE**
(Doc. 23)

The United States Marshal served non-party Tuolumne County Sheriff's Office ("TCSO") with a subpoena on January 11, 2019, via email to Christopher Schmidt, County Counsel. (See Docs. 21-22.) Plaintiff sought the subpoena to identify the names and positions of Does 1, 2, and 3 who, as described in the second amended complaint, booked plaintiff in 2016. The Court's Order directed the Litigation Coordinator of TCSO to serve the responsive documents on plaintiff within thirty days. Based a recent motion filed by plaintiff, it appears that the TCSO Litigation Coordinator did not follow this directive. (Doc. 23.)

Federal Rule of Civil Procedure 45(g) provides that "The court for the district where compliance is required ... may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it." Since documents responsive to the subpoena were due but not delivered within thirty days of service, TCSO will be directed to

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 service has not yet been effectuated on 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;
- 6 2. The Clerk of Court shall serve two copies of this Order on the United States Marshal;
- 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
11 Office of the Tuolumne County Counsel
12 2 S. Green Street
13 Sonora, CA 95370
- 14 5. Within 21 days from the date of service of this Order, the TCSO shall show cause why
15 it should not be held in contempt for failing to comply with the subpoena served on
16 January 11, 2019.

17 IT IS SO ORDERED.

18 Dated: March 11, 2019

/s/ Jennifer L. Thurston
19 UNITED STATES MAGISTRATE JUDGE

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