

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

10 || VANA NGUYEN,

No. 2:15-mc-118-KJM-EFB

Petitioner,

ORDER

13 STEVEN WOFSON, et al.,

Defendants.

16 On October 16, 2015, petitioner filed a verified petition pursuant to Federal Rule of Civil
17 Procedure 27, requesting that the court permit her to perpetuate testimony from expected adverse
18 parties. ECF No. 1.¹ For the reasons explained below, the petition is denied.

19 Petitioner seeks in a verified petition to conduct discovery related to a warrant that was
20 issued by the Las Vegas Justice Court in Clark County, Nevada. *Id.* at 2, Ex. A. According to
21 documents appended to the petition, the Clark County District Attorney's Office sent petitioner a
22 letter informing her that the Nevada state court issued a warrant for her arrest for nonpayment of
23 \$5,575.00. *Id.* at Ex. A. In response, petitioner, though counsel, sent several requests to the
24 district attorney to provide documents related to the amount she allegedly owed, arguing that the
25 documents sought constituted exculpatory evidence. *Id.* at Exs. B, C, D. Despite the requests,
26 petitioner claims that no responsive documents have been produced.

¹ This case is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(1). *See* 28 U.S.C. § 636(b)(1).

1 Petitioner further contends that she is a prospective plaintiff in an action intended to be
2 filed in this court, but that she is unable to bring the action based on her inability to obtain
3 information related to the nonpayment of the \$5,575.00. *Id.* at 2. She claims that the expected
4 adverse parties to the anticipated action include Steven Wofson, Gleb O'Brien, Kavyn Lighten,
5 and the Clark County District Attorney's Office. *Id.* She believes the individual expected parties
6 have information related to the amount she allegedly failed to pay, and she therefore seeks the
7 court's permission to perpetuate their testimony through interrogatories. *Id.*

8 Petitioner, however, has filed her Rule 27 petition in the wrong court. Rule 27 provides
9 that “[a] person who wants to perpetuate testimony about any matter cognizable in a United States
10 court may file a verified petition in the district court for the district *where an expected adverse*
11 *party resides.*” Fed. R. Civ. P. 27(a)(1). The petition indicates that all expected adverse parties
12 reside in Las Vegas, Nevada. *Id.* As none of the expected parties reside in this district, the
13 petition is denied and the Clerk is directed to close this miscellaneous case.²

14 DATED: October 22, 2015.

15 
16 EDMUND F. BRENNAN
17 UNITED STATES MAGISTRATE JUDGE

27 ² Petitioner also filed a motion to proceed *in forma pauperis*. ECF No. 2. Given that the
28 petition was filed in the wrong court and must therefore be denied, the court denies the motion to
proceed *in forma pauperis* as moot.