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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LISA MARIE PEREZ, *formerly known as*
LISA MARIE BELYEW,

Plaintiff,

v.

LARRY LORMAN,

Defendant.

No. 2:17-cv-00723-DJC-CKD

ORDER

Before the Court are Plaintiff Lisa Perez’s Motion to Compel a Color Booking Photo taken during her arrest (ECF No. 145) and Defendant’s Motion to Quash subpoenas sent by Plaintiff related to the same photo (ECF No. 162)

The Magistrate Judge has previously addressed a similar request from Plaintiff in an Order issued April 11, 2023. (ECF No. 95.) There the Magistrate Judge determined that the Court did not have the authority to order the production of the photo from Colusa County. Plaintiff states that she has since sent a letter to the County (though the letter attached to her motion does not indicate a recipient) and is now renewing her request. Plaintiff’s informal request to the County does not change the Court’s lack of authority to compel production of the photo. This Motion is DENIED.

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1 Relatedly, on or about October 10, 2023, Plaintiff sent two subpoenas to
2 Joshua Fitch, Chief of the Colusa County Police Department: one requesting that the
3 Chief Fitch appear and testify about the booking photo at the status conference set for
4 February 15, 2023, and one requesting that he bring the booking photo to the same.
5 (ECF No. 162, 1-2; *id.*, Exs. A and B.) Defendant objects that these subpoenas are
6 improper and has filed a Motion to Quash. (*Id.* at 1.)

7 Federal Rule of Civil Procedure 45, which governs subpoenas, requires that
8 proof of service of the subpoenas be issued with the Court, and, if the subpoena
9 requests the production of documents before trial, it requires that the party issuing
10 the subpoena notify the other party before service. Plaintiff has failed to comply with
11 these rules and her subpoenas are therefore improper. The Motion to Quash is
12 GRANTED.

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14 For the above reasons, IT IS HEREBY ORDERED:

- 15
16 1. Plaintiff's Motion to Compel, ECF No. 145, is DENIED; and
17 2. Defendant's Motion to Quash, ECF 162, is GRANTED.

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19 Dated: January 25, 2024

/s/ Daniel J. Calabretta

20 THE HONORABLE DANIEL J. CALABRETTA
21 UNITED STATES DISTRICT JUDGE
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