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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

Plaintiff has filed a Motion to Enforce subpoenas issued to Joshua Fitch for his testimony and his production of colored booking photographs from her arrest. (ECF No. 173.) This Motion was submitted before, but docketed after, the Court’s Order, (ECF No. 171), quashing the same subpoenas pursuant to Defendant’s Motion to Quash, (ECF No. 162). As the Court explained in its order and during the status conference held on January 31, 2024, the Court does not have the power to enforce these subpoenas because Plaintiff failed to comply with Federal Rule of Civil Procedure 45. Plaintiff did not provide notice to Defendants before serving the subpoena for the production of documents as required under Rule 45(a)(4), and did not provide proof of service on the subpoenaed individual as required by Rule 45(b)(4). Moreover, the individual subpoenaed is not the proper custodian of record for the documents requested. Accordingly, the Motion is DENIED.

1 For the above reasons, IT IS HEREBY ORDERED that Plaintiff's Motion, ECF No.
2 173, is DENIED.

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4 Dated: February 6, 2024

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE

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