

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 LANCE WILLIAMS,

12 Plaintiff,

13 v.

14 ROMERO, et al.,

15 Defendants.
16

No. 2:17-cv-1884 TLN DB P

ORDER

17 Plaintiff is a state prisoner proceeding pro se with a civil rights action under 42 U.S.C. §
18 1983. Plaintiff alleges defendants at California State Prison-Solano (“CSP-Solano”) subjected
19 him to excessive force and were deliberately indifferent to his medical needs in violation of the
20 Eighth Amendment. On March 19, 2019, the court issued a Discovery and Scheduling Order.
21 (ECF No. 50.) On March 29, plaintiff filed a document entitled “Request for Court to Certify
22 Subpoenas for Service by U.S. Marshalls.” Plaintiff attaches three subpoenas – two directed to
23 the Litigation Coordinator at CSP-Solano and one directed to the defendants. (ECF No. 53.) For
24 several reasons, plaintiff’s request will be denied.

25 First, plaintiff is advised that because he is not proceeding in forma pauperis, he is not
26 entitled to service of subpoenas by the U.S. Marshal. Second, plaintiff’s first two subpoenas seek
27 information and/or documents regarding defendants. Subpoenas are not necessary to gather this
28 information. Plaintiff should seek this discovery from defendants through the discovery rules

1 found in the Federal Rules of Civil Procedure. Finally, in his third subpoena, plaintiff appears to
2 be seeking a transfer to CSP-Solano to inspect the A-Yard at Building 1. That request is far
3 beyond the scope of discovery.

4 Plaintiff is informed that court permission is not necessary for discovery requests and that
5 neither discovery requests served on an opposing party nor that party's responses should be filed
6 until such time as a party becomes dissatisfied with a response and seeks relief from the court
7 pursuant to the Federal Rules of Civil Procedure. Discovery requests between the parties shall
8 not be filed with the court unless, and until, they are at issue.

9 Accordingly, IT IS HEREBY ORDERED that plaintiff's March 29, 2019 Request for
10 Court to Certify Subpoenas (ECF No. 53) is denied.

11 DATED: April 11, 2019

12
13
14 /s/ DEBORAH BARNES
15 UNITED STATES MAGISTRATE JUDGE
16
17
18
19
20
21
22
23

24 DLB:9
25 DB/prisoner-civil rights/will1884.subp
26
27
28