

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TION ALONZO HILL,
Plaintiff,
v.
JOSHUA ARNOLD, et al.,
Defendants.

Case No. 09-cv-05434-TEH

ORDER RE: SUBPOENAS OF NON-PARTY WITNESSES

On the first day of trial, it was brought to the Court’s attention that Plaintiff may have served subpoenas for certain non-party witnesses’ attendance at trial on the San Francisco Mayor’s Office, even though the witnesses are officers of the San Francisco Sheriff’s Department.

“Serving a subpoena requires delivering a copy to the named person” Fed. R. Civ. P. 45(b)(1). “The longstanding interpretation of Rule 45 has been that personal service of subpoenas is required.” 9A Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 2454 (3d ed. 2015); see also Chima v. U.S. Dep’t of Def., 23 F. App’x 721, 724 (9th Cir. 2001); In re Smith, 126 F.R.D. 461, 462 (E.D.N.Y. 1989).

Considering the authorities cited above, the Court is not convinced that it has the authority to compel the attendance of any improperly served witnesses. Should this issue remain unresolved by the parties at the time for any allegedly improperly served witness to testify, Plaintiff is instructed to promptly file a motion with citations to authority in support of his actions and requested relief.

IT IS SO ORDERED.

Dated: 06/09/15


THELTON E. HENDERSON
United States District Judge