

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DANIEL C. GARCIA,  
Plaintiff,

No. C 10-2424 SI (pr)

**ORDER DENYING PLAINTIFF'S  
DISCOVERY APPLICATION**

v.

CITY OF SANTA CLARA; et al.,  
Defendants.

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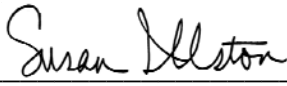
Plaintiff has filed an "application for order authorizing issuance of a subpoena for electronic evidence," in which he requests the court to issue a subpoena duces tecum requiring plaintiff's expert "to preserve all electronic evidence in his possession pertaining to [plaintiff], and to provide a copy thereof to [plaintiff] through his authorized attorney in fact." Docket # 66, p. 2. He offers no explanation why he needs the court to order his own expert to preserve electronic evidence and produce a copy for him. The subpoena will not issue. First, this action has been stayed pending resolution of criminal charges against plaintiff, and the court will not entertain repeated requests by plaintiff for discovery in the stayed action. Second, plaintiff's attempt to subpoena materials from his own expert appears to be either an unnecessarily officious act, or an effort to avoid paying for services rendered, or an effort to get this court to interfere with the murder case pending against plaintiff in the Riverside County Superior Court. Those are not legitimate reasons for the issuance of a subpoena. The discovery application is DENIED. (Docket # 66.) See Fed. R. Civ. P. 26(b)(2)(C)(authorizing court to limit scope of discovery otherwise allowable under the rules).

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The stay remains in place, and that stay includes a stay of discovery.

IT IS SO ORDERED.

Dated: July 21, 2013

  
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SUSAN ILLSTON  
United States District Judge