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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHN D. LAMBERTSON,  
Plaintiff,  
v.  
G. D. LEWIS,  
Defendant.

Case No. [12-cv-05122-JD](#)

**ORDER TO SEND PLAINTIFF  
TWO SUBPOENAS; DENYING  
MOTION FOR CONTEMPT**

Re: Dkt. No. 69

Plaintiff, a state prisoner, proceeds with a pro se civil rights complaint under 42 U.S.C. § 1983. Plaintiff alleges that three Doe defendants failed to protect him from an assault by other inmates. While this claim is sufficient to proceed plaintiff must provide the identities of the defendants for service. Plaintiff was informed that he may seek such information through the California Public Records Act or any other means available such as seeking reports from his central file concerning the incident. Plaintiff was also sent Court document subpoenas with instructions. Plaintiff was informed that he should fill out the subpoenas and return them to the Court so that the Clerk may issue the subpoena and the Marshal may serve it on the subpoenaed party. Plaintiff needs to fill in all of the necessary information, but must leave the signature line blank so that the Clerk may sign it. This is because as a pro se litigant, plaintiff needs the Court's Clerk to issue a subpoena. Fed. R. Civ. P. 45(a)(3).

Plaintiff has not returned the subpoenas to the Court but he did send to a non-party a subpoena to testify at a deposition that was unsigned by the Court's Clerk. Plaintiff also stated that the non-party should produce certain documents at the deposition.<sup>1</sup> Plaintiff's motion to

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<sup>1</sup> He may have also sent document subpoenas that were unsigned by the Court's Clerk.

1 depose the non-party was denied. Plaintiff's pending motion to hold the non-party in contempt  
2 (Docket No. 69) is denied as meritless.

3 The Court will send plaintiff two more document subpoenas to obtain the records he seeks.  
4 **Plaintiff must follow the instructions below.** Plaintiff must **not** send the subpoena directly to  
5 any party. He must fill out the forms and return them the Court. The subpoenas are to obtain  
6 documents, they are not for any person to appear or testify at a deposition.

7 **CONCLUSION**

- 8 1. Plaintiff's motion for contempt (Docket No. 69) is **DENIED**.
- 9 2. As a pro se litigant, plaintiff needs the Court's Clerk to issue a subpoena. Fed. R. Civ.  
10 P. 45(a)(3). Therefore, the Clerk shall send to plaintiff **2 blank document subpoena** forms  
11 (subpoena duces tecum) for plaintiff to fill out and return to the Court so that the Clerk may issue  
12 the subpoena and the Marshal may serve it on the subpoenaed party. Plaintiff needs to fill in all of  
13 the necessary information, but must leave the signature line blank so that the Clerk may sign it.

14 **IT IS SO ORDERED.**

15 Dated: August 30, 2016

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JAMES DONATO  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 JOHN D. LAMBERTSON,  
4 Plaintiff,  
5 v.  
6 G. D. LEWIS,  
7 Defendant.  
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Case No. [12-cv-05122-JD](#)

**CERTIFICATE OF SERVICE**

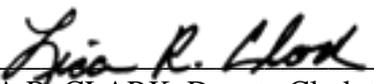
9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
10 District Court, Northern District of California.

11  
12 That on August 30, 2016, I SERVED a true and correct copy(ies) of the attached, by  
13 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
15 receptacle located in the Clerk's office.  
16

17 John D. Lambertson ID: V92821  
18 Kern Valley State Prison  
19 P.O. Box 5103  
20 Delano, CA 93216

21 Dated: August 30, 2016

22  
23 Susan Y. Soong  
24 Clerk, United States District Court

25  
26 By:   
27 LISA R. CLARK, Deputy Clerk to the  
28 Honorable JAMES DONATO