

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TYNISHA MARIE HORNBuckle,
Plaintiff,
v.
WARDEN MATEVOUSIAN, et al.,
Defendants.

Case No. [16-cv-05527-PJH](#)

ORDER ON MOTIONS

Re: Dkt. Nos. 31, 32, 40

Plaintiff proceeds with a pro se civil rights complaint. Defendants have filed a motion for summary judgment and plaintiff filed an opposition. Presently pending are several miscellaneous motions filed by plaintiff. The court ordered service and four defendants were served. The United States Marshal ("USM") was unable to effectuate service on defendants Raski and Snell. Plaintiff was informed that she must provide more information so these defendants can be served. Plaintiff was told that she could seek such information through the California Public Records Act, requesting subpoenas or any other means available. Plaintiff found the address for one defendant; therefore the court will order the USM to conduct service. Plaintiff seeks to compel defendants to provide the information for the other defendant, yet it does not appear that she has requested this information through discovery.

Plaintiff is advised that the court becomes involved in discovery when there is a dispute between the parties. Discovery requests and responses normally are exchanged between the parties without a copy sent to the court. See Fed. R. Civ. P. 5(d) (listing discovery requests and responses that "must not" be filed with the court until they are used in the proceeding or the court orders otherwise). Only when the parties have a

1 discovery dispute that they cannot resolve among themselves will the court intervene in
2 the discovery process. To promote the goal of addressing only atypical disagreements
3 (rather than becoming an overseer of all discovery), the court requires that the parties
4 meet and confer to try to resolve their disagreements before seeking court intervention.
5 See Fed. R. Civ. P. 37(a); N.D. Cal. Local Rule 37. Where, as here, one of the parties is
6 a prisoner, the Court does not require in-person meetings and instead allows the prisoner
7 and defense counsel to meet and confer by telephone or exchange of letters. Although
8 the format of the meet-and-confer process changes, the substance of the rule remains
9 the same: the parties must engage in a good faith effort to meet and confer before
10 seeking court intervention in any discovery dispute. Plaintiff should seek this information
11 through discovery. In addition, the court will also provide plaintiff with a subpoena and
12 she must follow the instructions set forth below.

13 CONCLUSION

14 1. Plaintiff's motion for an extension to file a response to her amended complaint
15 (Docket No. 31) is **DENIED** as unnecessary.

16 2. Plaintiff's motion to compel (Docket No. 32) is **DENIED**.

17 3. Plaintiff is informed that as a pro se litigant, plaintiff needs the court's Clerk to
18 issue a subpoena. Fed. R. Civ. P. 45(a)(3). Therefore, the Clerk shall send to plaintiff 1
19 blank records subpoena form for plaintiff to fill out and return to the court so that the Clerk
20 may issue the subpoena and the USM may serve it on the subpoenaed party. Plaintiff
21 needs to fill in all of the necessary information, but must leave the signature line blank so
22 that the Clerk may sign it.

23 4. Plaintiff's motion for service (Docket No. 40) is **GRANTED**. The United States
24 Marshal shall serve, without prepayment of fees, copies of the complaint with
25 attachments and copies of this order on defendant Dr. David J. Snell at 116 Draeger
26 Road, Moraga, CA 94556 and at 23500 Kasson Rd., Tracy, CA 95304.

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Defendant shall follow the instructions in the court's prior order of service (Docket No. 22).

IT IS SO ORDERED.

Dated: June 26, 2017



PHYLLIS J. HAMILTON
United States District Judge

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CERTIFICATE OF SERVICE


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

That on June 26, 2017, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Tynisha Marie Hornbuckle ID: 66383-097
FCI Aliceville
11070 Highway 14
P O Box 4000
Aliceville, AL 35442

Dated: June 26, 2017

Susan Y. Soong
Clerk, United States District Court

By: 
Kelly Collins, Deputy Clerk to the
Honorable PHYLLIS J. HAMILTON