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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID L. COOK,
Plaintiff,
v.
MARCOS TORRES, et al.,
Defendants.

Case No. [19-cv-01370-PJH](#)

ORDER

Dkt. No. 44

Plaintiff, a former detainee, proceeds with a pro se civil rights complaint under 42 U.S.C. § 1983. On August 28, 2020, plaintiff filed a motion to compel. Plaintiff argued that he did not receive answers to many interrogatories. Defendants filed an opposition to the motion to compel on September 14, 2020. Defendants noted that there had been an error, and they would be responding to additional interrogatories, so long as they did not violate the Federal Rules of Civil Procedure. Plaintiff has not filed any response with the court.

Plaintiff shall file a response with the court by **November 9, 2020**, regarding the motion to compel with respect to defendants providing more interrogatory answers. If plaintiff still wishes to proceed with the motion to compel, he should set forth what specific discovery requests or interrogatories he seeks to compel. He should indicate why he is entitled to the discovery and why defendants' response was inadequate. Plaintiff should only seek discovery that is relevant to this action. It appears that the relevant issue is if plaintiff was on probation at the time of the arrests. Plaintiff must demonstrate why discovery requests regarding other issues such as defendants' salaries or benefits is relevant.

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Plaintiff has also requested subpoenas. The court will send plaintiff two document subpoena forms (subpoena duces tecum) and plaintiff may choose to use them. If he uses them, plaintiff should fill out the subpoenas and return them to the court so that the clerk may issue the subpoena and the United States 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).

For the foregoing reasons:

1. Plaintiff shall file a response with the court by **November 9, 2020**, regarding the motion to compel as set forth above.
2. Plaintiff's motion (Docket No. 44) is **GRANTED**. The clerk shall **SEND** plaintiff two document subpoena forms (subpoena duces tecum).

IT IS SO ORDERED.

Dated: October 13, 2020

/s/ Phyllis J. Hamilton
PHYLLIS J. HAMILTON
United States District Judge