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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 STEVIE J. STEVENSON,  
12 Plaintiff,  
13 v.  
14 JEFFREY BEARD, Ph.D., et al.,  
15 Defendant.

Case No.: 3:16-cv-03079-JLS-PCL  
**ORDER DENYING PLAINTIFF'S  
MOTION FOR APPROVAL TO  
SUBPOENA**  
[Doc. 46]

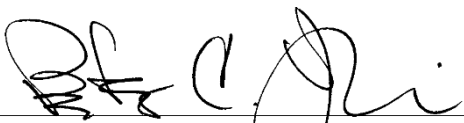
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17 Before the Court now is Plaintiff STEVIE J. STEVENSON, having filed a motion  
18 for approval to direct the U.S. Marshals to serve Defendant Raymond Madden with a  
19 subpoena. (Doc. 46.) Herein, Plaintiff requests the Court’s permission to have Defendant  
20 Madden served with a subpoena requesting the “names of the Unidentified Centinela  
21 State Prison Mailroom staff who worked on specific days when [the alleged] violations  
22 took place. . . .” (*Id.* at 1.) Plaintiff states this information will allow him to prepare his  
23 amended complaint.

24 A subpoena is only required where a non-party witness who is not controlled by a  
25 party is sought out for either a deposition or for the production of documents. Fed. R.  
26 Civ. Proc. 45; *Newell v. County of San Diego*, 2013 U.S. Dist. LEXIS 127039 (S.D. Cal.  
27 Sept. 5, 2013). A subpoena is not the proper vehicle by which to propound such a request  
28 as Plaintiff’s upon a party. *Id.*

1 Here, Defendant Madden is clearly a party to the case, specifically a defendant.  
2 (See Doc. 8 at 3.) Thus, Plaintiff's request for approval to subpoena must be **DENIED**.  
3 However, the Court suggests Plaintiff obtain this information through regular discovery  
4 procedures as described in Federal Rules of Civil Procedure rule 26 and 34. These  
5 discovery requests need not be filed with the Court. If Defendant does not comply with  
6 such requests, the Plaintiff is welcome to file a motion to compel, after following the  
7 correct procedure as laid out by Federal Rule of Civil Procedure rule 37(a).

8 **IT IS SO ORDERED.**

9 Dated: June 26, 2018

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11 Hon. Peter C. Lewis  
12 United States Magistrate Judge