



8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10  
11 JAMES LINLOR,  
12 Plaintiff,

13 v.

14 CHASE BANKCARD SERVICES, INC.;  
15 CHASE BANK USA, NA,  
16 Defendants.

Case No.: 17cv5-WQH(KSC)

**ORDER DENYING PLAINTIFF'S  
REQUEST FOR A SUBPOENA**

**[Doc. No. 50]**

17  
18  
19 Before the Court is plaintiff's Motion for Subpoena Under Rule 45 for Document  
20 Production at Deposition of Defendants. [Doc. No. 50.] Plaintiff is proceeding in this  
21 action *pro se*. In his Motion for Subpoena Under Rule 45, plaintiff requests that the  
22 Court issue "the attached subpoena *duces tecum*" pursuant to Rule 45, so that plaintiff  
23 can serve the subpoena on counsel for defendants. Plaintiff states that the subpoena seeks  
24 documents previously requested from defendants "almost 4 months ago under Rule 26"  
25 that have not yet been produced. [Doc. No. 50, at p. 4.]

26 "Rule 45 of the Federal Rules of Civil Procedure governs discovery of non-parties  
27 by subpoena. Fed. R. Civ. P. 45." *Del Campo v. Kennedy*, 236 F.R.D. 454, 457 (N.D.  
28 Cal. 2006) (emphasis added). To the extent plaintiff seeks documents from defendants,

1 he must do so pursuant to Federal Rule of Civil Procedure 34, which states in part as  
2 follows: "A party may serve on any other party a request within the scope of Rule 26(b):  
3 (1) to produce and permit the requesting party or its representative to inspect, [or] copy  
4 . . . the following items in the responding party's possession, custody, or control: (A) any  
5 designated documents . . . ." Fed.R.Civ.P. 34 (a)(1)(A). In other words, it is unnecessary  
6 for the Court to issue a subpoena *duces tecum*, because plaintiff seeks production of  
7 documents from defendants, who are parties to the action. To the extent plaintiff seeks  
8 documents from defendants, he must do so by serving defendants' counsel with a Rule 34  
9 request for production of documents. Accordingly, the Court finds that plaintiff's request  
10 for the Court to issue "the attached" Rule 45 subpoena must be DENIED.

11 IT IS SO ORDERED.

12 Dated: July 16, 2018



Hon. Karen S. Crawford  
United States Magistrate Judge

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28