

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02069-WYD-MEH

MALIBU MEDIA, LLC,

Plaintiff,

v.

JOHN DOE 4,

Defendant.

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**MINUTE ORDER**

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**Entered by Michael E. Hegarty, United States Magistrate Judge, on April 11, 2013.**

Pending before the Court is a Motion to Quash [filed April 10, 2013; docket #70] filed by Defendant John Doe #4 (hereinafter “Doe 4”). The Court notes that this is Doe 4’s third motion to quash. (*See* dockets ##32, 41.) The Court denied the first two motions without prejudice for a number of reasons, including several procedural deficiencies. (Docket #66.) However, the Court also noted that the subpoena Doe 4 presented appeared to be issued from the District of New Jersey. (*Id.*)

Doe 4 has not filed a copy of the subpoena in support of the present motion. However, to the extent the present motion seeks to quash or modify a subpoena issued through any district other than the District of Colorado, the Court reiterates that it must deny such request without prejudice. Pursuant to Rule 45(c)(3)(A), only “*the issuing court*” may quash or modify a subpoena (emphasis added). *See, e.g., In re Sealed Case*, 141 F.3d 337, 341 (D.C. Cir. 1998) (only the issuing court has the power to act on its subpoenas); *In re Digital Equipment Corp.*, 949 F.2d 228, 231 (8th Cir. 1991) (court in district where underlying action was pending did not have jurisdiction to rule on objections to deposition subpoenas obtained in another district). “Subpoenas are process of the issuing court, and nothing in the rules even hints that any other court may be given the power to quash or enforce them.” *In re Sealed Case*, 141 F.3d at 341 (citations omitted). Accordingly, the court where the action is pending lacks jurisdiction to rule on subpoenas issued from other courts, unless there is a transfer or remittance of the matter from the issuing court. *See In re Digital Equipment Corp.*, 949 F.2d at 231.

In the absence of evidence of a subpoena issued from this district or an order from the issuing court, the Court must again **deny** Doe 4’s motion **without prejudice**.

The Clerk of the Court is directed to mail a copy of this Minute Order to Doe 4 at the address listed in docket #28. The Certificate of Service filed on the public docket shall not list the address of Doe 4.

