

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

HARRY MICHAEL WRIGHT,

Plaintiff,

v.

CASE NO. 4:10-cv-474-SPM-GRJ

MORRIS YOUNG, et al.,

Defendants.

_____ /

ORDER

On January 30, 2013, the Court granted Plaintiff's request to issue subpoenas to non-parties Florida Sheriff's Self-Insurance Fund, and the Board of County Commissioners of Gadsden County. Plaintiff has provided a street address for personal service for the Florida Sheriff's Self-Insurance Fund in response to the Court's Order. (Docs. 75, 76.) This Order sets out the procedure by which the subpoenas shall be served.

In the Court's prior Order, Doc. 75, the Court indicated that the subpoenas would be served by the United States Marshals Service ("USMS"). However, the Court has noted in its prior orders related to Plaintiff's requests for subpoenas that "because [Plaintiff] has paid the filing fee and is not proceeding *in forma pauperis*, he will be required to pay the costs of serving any subpoenas." (Doc. 41, at 3.) Accordingly, the Court finds it appropriate to vacate its prior order indicating that service would be effectuated by the USMS.

As an initial matter, the Clerk is directed to issue two subpoenas, for the Florida Sheriff's Self-Insurance Fund and the Board of County Commissioners of Gadsden

County. The Clerk must mail the two subpoenas, "signed but otherwise in blank," to Plaintiff for him to complete. See Fed. R. Civ. P. 45(a)(3). In completing the subpoenas, Plaintiff's attention is directed to Federal Rule of Civil Procedure 45(a)(1)(A), which requires a subpoena to specify the time and place where the responding parties are to produce the required documents. If Plaintiff wishes the responding parties to mail him copies of the documents, he should specify the address to which the documents are to be mailed. Plaintiff must also include with each subpoena a complete detailed list of the documents that he wishes the responding party to produce. Plaintiff should note that he will be responsible for paying copying costs for these documents, and that the responding parties may require that he pay the copying costs in advance of production.

After completing the subpoena forms, Plaintiff will be responsible for serving the subpoenas in accordance with Federal Rule of Civil Procedure 45(b). That rule requires a subpoena to be served by a person "who is at least 18 years old and not a party." Plaintiff may hire a process server to serve the subpoenas at his own expense. Plaintiff should note that he may be required to prove that service was properly made; this "requires filing with the issuing court a statement showing the date and manner of service and the names of the persons served. The statement must be certified by the server." Fed. R. Civ. P. 45(b)(4).

Accordingly, **IT IS ORDERED:**

- 1) The Clerk must issue two subpoenas and mail them to Plaintiff.
- 2) Plaintiff must complete the subpoenas as directed in this order, and must cause the subpoenas to be served on the Florida Sheriff's Self-Insurance Fund

and the Board of County Commissioners for Gadsden County. Plaintiff is responsible for the costs of service.

3) That portion of the Court's Order, Doc. 75, that stated that the United States Marshals Service would be responsible for service of the non-party subpoenas is **VACATED.**

DONE AND ORDERED this 26th day of February 2013.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge