

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

MANUEL HIERRO,

Plaintiff,

v.

CASE NO. 5:09cv68/RS-AK

DR. DANIEL CHERRY, et al,

Defendants.

ORDER

Before me are Plaintiff's Motion For An Order To Compel Sheriff of Orange County To Produce Subpoena Or In The Alternative For Sanctions (Doc. 93) and Defendants' Second Motion For Enlargement Of Time To Respond To Plaintiff's Civil Rights Complaint (Doc. 95).

Plaintiff seeks an Order from this Court to compel the Sheriff of Orange County to respond to a subpoena, which he claims was served by Susan Anderson, Resident Deputy Clerk in Charge for the Northern District of Florida, Panama City Division (Doc. 93). Ms. Anderson issued the subpoena on June 21, 2010, as directed by the Court (Doc. 86), but she did not serve it. Plaintiff is responsible for service. See Rule 45(b)(1), Federal Rules of Civil Procedure. While a party is generally entitled to the Clerk of the Court's issuance of a subpoena, the subpoena may not be served by a party, and Plaintiff must incur the costs of a process server. Doyle v. Colvin, 2009 WL 764980 (S.D. Ga.). Plaintiff is further advised that he is not entitled to public funds for these expenses. While the *in forma pauperis* statute provides access to the court to an indigent litigant by permitting the waiver of prepayment of fees and costs, *see* 28 U.S.C. § 1915(a), no provision of that statute authorizes courts to pay necessary expenses in a civil suit brought by an

indigent litigant. Tabron v. Grace, 6 F.3d 147, 158-59 (3d Cir.1993). Thus, the motion to compel a response to the subpoena (Doc. 93) is **denied**.

Finally, although Plaintiff objects to Defendants' second motion for additional time to file a second motion for summary judgment (Doc. 96), the Court finds that good cause has been shown for another extension of time.

IT IS ORDERED:

1. Defendants' Motion For Enlargement Of Time To Respond to Plaintiff's Civil Rights Complaint (Doc. 95) is **granted**.
2. Defendants shall file their motion not later than September 27, 2010.

ORDERED on September 2, 2010.

/S/ Richard Smoak

RICHARD SMOAK

UNITED STATES DISTRICT JUDGE