

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MARVEL JONES,

Plaintiff,

vs.

8:21CV251

ORDER

UNKNOWN-UNNAME, Director of Nebraska Department of Correctional Services, in his/her individual capacity; UNKNOWN-UNNAME, Director I of Nebraska Department of Correctional Services, in his/her individual capacity; UNKNOWN-UNNAME, Director II of Nebraska Department of Correctional Services, in his/her individual capacity; UNKNOWN-UNNAME, Associate Director of Nebraska Department of Correctional Services, in his/her individual capacity; UNKNOWN-UNNAME, Warden of Tecumseh State Correctional Institution, in his/her individual capacity; UNKNOWN-UNNAME, Deputy Warden of Tecumseh State Correctional Institution, in his/her individual capacity; UNKNOWN-UNNAME, Associate Warden of Tecumseh State Correctional Institution, in his/her individual capacity; UNKNOWN-UNNAME, Librarian of Tecumseh State Correctional Institution, in his/her individual capacity; UNKNOWN-UNNAME, Warden of Nebraska State Penitentiary, in his/her individual capacity; UNKNOWN-UNNAME, Associate Warden of Nebraska State Penitentiary, in his/her individual capacity; UNKNOWN-UNNAME, Deputy Warden of Nebraska State Penitentiary, in his/her individual capacity; LIBRARIAN OF NEBRASKA STATE PENITENTIARY, in his/her individual capacity; UNKNOWN-UNNAME, Warden of Omaha Correctional

Center, in his/her individual capacity;  
UNKNOWN-UNNAME, Associate Warden of  
Omaha Correctional Center, in his/her  
individual capacity; UNKNOWN-UNNAME,  
Deputy Warden of Omaha Correctional  
Center, in his/her individual capacity; and  
UNKNOWN-UNNAME, Librarian of Omaha  
Correctional Center, in his/her individual  
capacity;

Defendants.

Now pending before the Court is pro se Plaintiff Marvel Jones' Motion to Compel Issuance of Subpoena. [Filing No. 59](#). The Court previously entered an order permitting Plaintiff to subpoena non-party Nebraska Department of Correctional Services ("NDCS") to discover the names and addresses of the unnamed Defendants in this action. [Filing No. 58](#). Plaintiff now moves the Court for an order compelling non-party Rob Jeffreys, the director of NDCS, to respond to his subpoena. The Court denies Plaintiff's motion for the reasons stated herein.

[Federal Rule of Civil Procedure 45\(b\)\(1\)](#) requires a party to serve a subpoena by utilizing a non-party who is at least 18 years old to "deliver[] a copy to the named person." Plaintiff attempted to serve the subpoena on NDCS via the United States Marshals Service and the Lancaster County Sheriff's Office. The U.S. Marshals refused to serve the subpoena. [Filing No. 59 at 7](#). Although Plaintiff asserts the Sheriff's Office served the subpoena, the service of process return attached to Plaintiff's motion clearly indicates the Sheriff's Office did not serve the subpoena because Plaintiff did not provide a local address. [Filing No. 59 at 12](#). Since Plaintiff has yet to serve the subpoena, the Court denies Plaintiff's motion to compel Rob Jeffreys to respond to the subpoena.

Accordingly,

IT IS ORDERED:

- 1) Plaintiff's Motion to Compel Issuance of Subpoena, [Filing No. 59](#), is denied.

- 2) The Clerk of the Court shall issue Plaintiff one new signed, blank subpoena (Form AO 88B) by mailing it to Plaintiff.
- 3) The Clerk of the Court shall mail a copy of this Order to Plaintiff.

Dated this 25th day of September, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge