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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RONNIE EDWARDS,)	
)	Case No. 2:13-cv-01316-JAD-CWH
Plaintiff,)	
vs.)	<u>ORDER</u>
)	
LAS VEGAS METROPOLITAN POLICE)	
DEPARTMENT, <i>et al.</i>)	
)	
Defendants.)	

INTRODUCTION

This matter is before the Court on Plaintiff Ronnie Edwards’s (“Plaintiff”) motions (docs. # 101, # 104, # 106, # 109, # 111), Defendants’ response (doc. # 105), and Plaintiff’s reply (doc. # 113).

BACKGROUND

Plaintiff, proceeding pro se, is a prisoner in the custody of the Nevada Department of Corrections (“NDOC”) and currently incarcerated at the High Desert State Prison. On January 14, 2014, the Court entered a screening order finding that Plaintiff had pled sufficient facts to support his Eighth Amendment claims for deliberate indifference to his medical needs and deliberate indifference to his safety. See Doc. # 6. The Court’s screening order also directed the Clerk of Court, among others, to issue summonses for various defendants and to send plaintiff USM-285 forms to fill out and furnish to the U.S. Marshals Service so defendants could be served. Id. The Court subsequently issued orders governing service, along with a discovery schedule, in the instant case. See Docs. # 23, # 37, # 42, # 54, # 55.

1 **DISCUSSION**

2 **1. Motion for Reconsideration of Order # 95 (doc. # 101)**

3 Plaintiff asks the Court to reconsider it’s prior order (doc. # 95), claiming the Court did not
4 directly address Plaintiff’s request to issue a subpoena duces tecum to third party Clark County
5 Detention Center (“CCDC”). No response was filed.

6 Because a subpoena duces tecum must be personally served under Federal Rule of Civil
7 Procedure 45(b), “[d]irecting the Marshal’s Office to expend its resources personally serving a
8 subpoena is not taken lightly by the court.” Id. (citing Austin v. Winett, No. 1:04-cv-05104 DLB PC,
9 2008 WL 5213414, at *1 (E.D. Cal. Dec. 12, 2008) and 28 U.S.C. § 1915(d)); see also Frazier v.
10 Redding Police Dep’t, No. CIV S-11-1351 GGHP, 2012 WL 5868573, at *8 (E.D. Cal. Nov. 19, 2012)
11 (same). By extension, the authorization of a subpoena duces tecum requested by an in forma pauperis
12 plaintiff is subject to limitations. See Alexander v. California Dep’t of Corrections, No. 2:08-cv-2773
13 MCE KJN P, 2010 WL 5114931, at *3 (E.D. Cal. Dec. 9, 2010). Limitations include “the relevance
14 of the information sought as well as the burden and expense to the non-party in providing the requested
15 information.” Frazier, 2012 WL 5868573, at *8. Moreover, a motion for a subpoena duces tecum
16 should clearly identify the documents sought and establish that the records are only obtainable through
17 the identified third party. Id. Such considerations help ensure that third parties do not suffer excessive
18 or unusual expenses in complying with a subpoena duces tecum. Id.

19 A review of each of Plaintiff’s 32 separate requests, notwithstanding another 8 requests under
20 point 32, reveals that Plaintiff fails to show, among others, the relevance of the information sought and
21 whether the records sought are obtainable only through the CCDC. See Doc. # 65 at 18-24 (Plaintiff’s
22 original motion for issuance of subpoena duces tecum). In light of these failures, the instant motion
23 is denied.

24 **2. Motion to Extend Discovery (doc. # 104)**

25 Plaintiff asks the Court to extend the discovery deadlines to: (1) enable him to review and edit
26 the transcript of his upcoming deposition; (2) allow him to review discovery materials he may receive
27 from defending officers following the issuance of a protective order in this case; and (3) serve
28 subpoenas on third parties as they are made known to him.

1 Defendants Dr. Raymond Mondoro and Katrina Simeon (“Defendants”), in response, ask the
2 Court to deny the instant motion as untimely under Local Rule 26-4, which requires Plaintiff to submit
3 the instant motion 21 days before the discovery deadline of June 15, 2015. See Doc. # 96 at 2
4 (amended scheduling order); see also Doc. # 104 (Plaintiff’s motion received and court dated on
5 June 1, 2015). However, even if the Court were to consider Plaintiff’s motion, Defendants contend
6 that Plaintiff fails to show good cause for the additional time requested because changes made to a
7 deposition transcript do not necessitate an extension of discovery. Additionally, per Defendants, the
8 possibility of defending officers disclosing more documents, or the possibility of having to serve
9 subpoenas on non-party members, are speculative and do not necessitate a discovery extension. With
10 respect to the latter, Defendants add that Plaintiff has received all of his medical records to date and
11 therefore Plaintiff should be able to determine whom to subpoena.

12 In reply, Plaintiff restates his earlier assertions. Plaintiff also provides an extremely detailed
13 report of his purported efforts in this case.

14 This Court agrees with Defendants and finds that Plaintiff fails to provide a viable basis for
15 extending discovery in the instant case. As such, Plaintiff’s motion is denied.

16 **3. Motion for Leave of Court to Supplement Doc. # 104 (doc. # 111)**

17 Because Plaintiff’s motion to extend discovery (doc. # 104) is denied, the Court finds the
18 instant motion moot.

19 **4. Motion for Issuance of Subpoena Duces Tecum (doc. # 106)**

20 Plaintiff brings another motion to issue a subpoena duces tecum to third party CCDC. No
21 response was filed.

22 A review of the instant motion reveals that Plaintiff seeks to compel the CCDC to produce
23 information for another 26 separate requests. See Doc. # 106 at 9-11. Like Plaintiff’s first motion,
24 the instant motion also fails because it does not show, among others, the relevance of the information
25 sought and whether the records sought are obtainable only through the CCDC. As such, the instant
26 motion is denied.

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