

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JUSTIN D. PORTER,

Plaintiff

v.

SHEPHERD, et al.,

Defendants

Case No. 2:20-cv-01654-APG-NJK

ORDER

(Docket No. 12)

Plaintiff, who is incarcerated in the custody of the Nevada Department of Corrections (“NDOC”), has filed a Motion for the Court to Issue a Rule 45 Subpoena Duces Tecum<sup>1</sup> to Ben Gutierrez for his medical records. Docket No. 12. In his motion, Plaintiff states that he needs to view his medical records in order to determine the name of a John Doe defendant. *Id.* Plaintiff submits that he has filed several requests with prison officials to view his medical records but has not been provided a copy of his medical records. *Id.*

For the foregoing reasons,

**IT IS ORDERED** that Plaintiff’s Motion for the Court to Issue a Rule 45 Subpoena Duces Tecum to Ben Gutierrez, Docket No. 12, is **GRANTED**.

**IT IS FURTHER ORDERED** that the Clerk of the Court shall issue the Subpoena to Produce Documents that Plaintiff attached to his motion. Docket No. 12 at 14-16.

**IT IS FURTHER ORDERED** that the Clerk of the Court shall electronically **SERVE** a copy of this order and a copy of Subpoena Duces Tecum on the Office of the Attorney General of the State of Nevada by adding the Attorney General of the State of Nevada to the docket sheet. This does not indicate acceptance of service.

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<sup>1</sup> In the screening order, the Court instructed Plaintiff that he could file a Rule 45 subpoena duces tecum to attempt to identify John Doe 3. Docket No. 8 at 10-11.

1           **IT IS FURTHER ORDERED** that, no later than September 15, 2021, the Attorney  
2 General's Office shall file a notice advising the Court and Plaintiff whether it accepts service of  
3 the Subpoena Duces Tecum on behalf of Ben Gutierrez.

4           DATED: September 8, 2021.

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8 NANCY J. KOPPE  
9 UNITED STATES MAGISTRATE JUDGE  
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