

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

| | | |
|------------------------|---|------------------------------------|
| THOMAS GREGORY SHEA, |) | 3:14-CV-0354-MMD (VPC) |
| |) | |
| Plaintiff, |) | <u>MINUTES OF THE COURT</u> |
| |) | |
| vs. |) | January 6, 2016 |
| |) | |
| UNITED STATES, et al., |) | |
| |) | |
| Defendant(s). |) | |
| _____ |) | |

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: _____ REPORTER: NONE APPEARING

COUNSEL FOR PETITIONER(S): NONE APPEARING

COUNSEL FOR RESPONDENT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is plaintiff’s document entitled, “records to be subpoenaed” (#57). By this document, plaintiff appears to be seeking a court order for records from the Washoe County Sheriff’s Office and Cricket Wireless. *Id.* Defendants filed an opposition to the motion (#58). No reply was filed.

Even assuming *arguendo* that plaintiff’s subpoenas would lead to the discovery of admissible evidence, the request (#57) is **DENIED**. Plaintiff is proceeding in this action *in forma pauperis* (#8). In the order granting *in forma pauperis* status, plaintiff was advised that the order did “not extend to the issuance and service of subpoenas at government expense.” *Id.* Local Special Rule 1-8. Witness fees are not costs the court will bear on behalf of an indigent litigant. *Dixon v. Ylst*, 990 F.2d 478, 480 (9th Cir. 1992). Moreover, the U.S. Marshal does not serve subpoenas in civil cases, even if payment is made. Therefore, plaintiff would be responsible for making all arrangements for service, the expense of service, and the witness fee. *See* Fed.R.Civ.P. 45; *Tedder v. Odel*, 890 F.2d 210, 211-12 (9th Cir. 1989) (per curiam) (28 U.S.C. § 1915 does not entitle a plaintiff proceeding in forma pauperis to a waiver of witness fees for subpoenas).

The plaintiff may request blank subpoenas to be issued by the Clerk. However, all arrangements and costs for service and witness fees shall be borne by the plaintiff.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____
Deputy Clerk