




1 P. 26(b)(1). He may request any documents relating to his phone privileges in a discovery request  
2 to defendants. *See* Fed. R. Civ. P. 26(b)(2)(C)(i) (discovery may be limited because it “can be  
3 obtained from some other source that is more convenient, less burdensome, or less expensive.”)

4 Should a subpoena on a third party prove necessary, plaintiff would be required to comply  
5 with all applicable rules and requirements. *See, e.g.*, Fed. R. Civ. P. 45(a)(1)-(4) (the party  
6 commanding production must request a subpoena from the clerk, complete it before service, and  
7 give all parties notice prior to service). Also, while a party proceeding IFP may be entitled to  
8 obtain service of a subpoena pursuant to 28 U.S.C. § 1915(d), that party still remains responsible,  
9 despite his or her IFP status, to pay all fees and costs associated with the subpoena. *Tedder v.*  
10 *Odel*, 890 F.2d 210, 211-12 (9th Cir. 1989). *See also United States v. Columbia Broadcasting*  
11 *System, Inc.*, 666 F.2d 364, 368-69 (9th Cir. 1982) (court may award costs of compliance with  
12 subpoena to non-party).

13 (2) The Clerk is directed to send a copy of this Order to the parties and to the Honorable  
14 Ricardo S. Martinez.

15 DATED this 11th day of July, 2018.

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19 Mary Alice Theiler  
20 United States Magistrate Judge  
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