

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

James Scott v. A. Ventura, et al.

Scott v. Ventura · No. 25-cv-07188-HSG · Decided December 3, 2025

SUMMARY

The United States District Court for the Northern District of California grants James Scott’s request for blank subpoena forms in his pro se civil rights action. The court directs the Clerk to provide two subpoena duces tecum forms and explains the requirements for obtaining issuance and United States Marshal service on a non-party. The court cautions that it will not issue a subpoena to depose an unidentified officer and terminates the request docketed as Dkt. No. 8.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Haywood S. Gilliam, Jr.
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 3, 2025
DOCKET	25-cv-07188-HSG
DISPOSITION	other
PROCEDURAL POSTURE	In a pro se prisoner civil-rights action under 42 U.S.C. § 1983, Plaintiff requested a non-party subpoena to depose an unidentified prison officer. The court construed the request as one for blank subpoena forms and granted that request, while declining to authorize a subpoena directed to the unidentified officer.
PRECEDENTIAL VALUE	Likely nonprecedential district-court order; no precedential designation appears in the opinion.

TOPICS

- discovery dispute
- civil procedure
- section 1983
- prisoners rights
- police misconduct

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation
- discovery

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to blank subpoena forms to pursue non-party discovery.
2. What requirements and limitations apply to an in forma pauperis prisoner's request for issuance and service of a subpoena duces tecum on a non-party.
3. Whether the court could authorize a subpoena to depose an unidentified institutional security unit officer.

HOLDINGS

1. The court construed Plaintiff's request for a subpoena to an unidentified non-party as a request for blank subpoena forms and granted that request.
2. A pro se plaintiff seeking issuance of a non-party subpoena and service by the United States Marshal must submit a completed subpoena and a motion showing the relevance of the requested information, that its relevance outweighs the non-party's burden and expense, that the information is obtainable only through the identified third party, and how recording costs will be borne.
3. The court would not issue a subpoena to depose the unidentified institutional security unit officer because the United States Marshal Service cannot serve an unknown person.

KEY QUOTATIONS

"The Court has no jurisdiction over non-parties." (at 1)

"In order to have a subpoena issued to a non-party, Plaintiff must return the completed subpoena to the Court, along with a motion requesting that the Clerk issue the subpoena and that the United States Marshal Service effect service on the non-party." (at 2)

"The Federal Rules of Civil Procedure were not intended to burden a non-party with a duty to suffer excessive or unusual expenses in order to comply with a subpoena duces tecum." (at 2)

"First, the United States Marshal Service cannot effect service on an unknown person." (at 3)

FACTUAL BACKGROUND

Plaintiff, an incarcerated person at Salinas Valley State Prison, alleged that Defendants used excessive force and sexually harassed him during an incident on July 3, 2025. He sought a non-party subpoena to depose an unidentified institutional security unit officer involved in the incident, identified only by reference to incident log number 115506. The court noted that Plaintiff might be seeking video footage but had not explained why the footage could not be obtained through discovery directed to a party.

PROCEDURAL HISTORY

Plaintiff filed a § 1983 action alleging excessive force and sexual harassment in violation of the Eighth Amendment. After the court dismissed the California Department of Corrections and Rehabilitation from the action in its September 15, 2025 Order of Service, Plaintiff filed the request addressed in this order. The court granted blank subpoena forms, provided instructions for seeking issuance and Marshal service, and terminated the subpoena request.

DISPOSITION

other

CASES CITED

- Austin v. Winett, C No. 1:04-cv-05104-DLB PC, 2008 WL 5213414, at *1 (E.D. Cal. Dec. 12, 2008)
- Davis v. Ramen, C No. 1:06-cv-01216-AWI-SKO PC, 2010 WL 1948560, at *1 (E.D. Cal. May 11, 2010)
- Williams v. Adams, C No. 1:05-cv-00124-AWI-SMS PC, 2010 WL 148703, at *1 (E.D. Cal. Jan. 14, 2010)
- Badman v. Stark, 139 F.R.D. 601, 605 (M.D. Pa. 1991)
- United States v. Columbia Broadcasting System, Inc., 666 F.2d 364, 368-69 (9th Cir. 1982)

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