

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Thurl H. Light, II v. Officer D. Sotaso

Light v. Sotaso · No. 1:24-cv-01508-JLT-HBK (PC) · Decided December 8, 2025

OPINION

Thurl H. Light, II v. Officer D. Sotaso

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 THURL H. LIGHT, II, Case No. 1:24-cv-01508-JLT-HBK (PC) 12 Plaintiff, ORDER
DENYING PLAINTIFF’S MOTION

TO SUBPOENA EVIDENCE

13 v. (Doc. No. 24)

14 OFFICER D. SOTASO,

ORDER DIRECTING CLERK TO CORRECT

15 Defendant. DOCKET CAPTION 16 17 Plaintiff, a pretrial detainee, proceeds pro se on his first
amended civil rights complaint 18 filed on March 7, 2025. (Doc. No. 12). As screened, the Court
found the Complaint alleges a 19 Fourteenth Amendment failure to protect claim against Officer
D. Sotaso.¹ (Doc. No. 13). On

20 July 24, 2025, defendant D. Sotaso filed a motion to dismiss and memorandum in support in
21 response to the Complaint, which remains pending. (Doc. Nos. 17, 18). Plaintiff neither filed
an 22 amended complaint nor an opposition to defendant D. Sotaso’s motion to dismiss. See Fed.
R. 23 Civ. P. 15(a)(1)(B); Local Rule 230(l). 24 On October 17, 2025, Plaintiff filed a motion to
subpoena evidence and motion for 25 summary judgment.² (Doc. Nos. 24, 25). In his motion to
subpoena evidence, Plaintiff requests 26 1 Plaintiff did not name the County of Fresno., the
Fresno County Jail or the Fresno County Sheriff 27 Department as defendants in his First
Amended Complaint. (Doc. No. 12). The Court will direct the Clerk to correct the caption to
reflect only Officer D. Sotaso as the sole defendant. 28 2 Given the potentially dispositive nature
of Plaintiff’s motion for summary judgment, the undersigned 1 the Court to issue a subpoena
duces tecum for the May 2, 2024 video tape, medical records 2 incident report, in connection the
incident that is the subject of Plaintiff’s claim, as well as 3 Plaintiff’s mental health records. (Doc.
No. 24 at 2). Plaintiff does not indicate upon whom the 4 subpoena should issue. (Id. at 1-2).
Defendant filed oppositions to both of Plaintiff’s motions. 5 (Doc. Nos. 26, 27). Plaintiff elected
not to file a reply to either motion. See Local Rule 230(l). 6 For the reasons set forth below, the

Court denies Plaintiff's motion to subpoena evidence without 7 prejudice. 8 A parties may obtain discovery regarding any non-privileged matter that is relevant to any 9 party's claim or defense and proportional to the needs of the case. Fed. Rule Civ. P. 26(b)(1). 10 Furthermore, "[i]nformation within this scope of discovery need not be admissible in evidence to 11 be discoverable." Id. If a defendant is in possession of documents, a party will serve a request 12 for production so documents on the party pursuant to Rule 34. Fed. R. Civ. P. 34. Documents are 13 deemed within a party's possession, custody, or control if the party has actual possession, custody, or 14 control thereof, or the legal right to obtain the property on demand. *Allen v. Woodford*, 2007 WL 15 309945, at *2 (E.D. Cal. 2007). See *States v. Int'l Union of Petroleum & Indus. Workers, AFL- 16 CIO*, 870 F.2d 1450, 1452 (9th Cir.1989) ("Control is defined as the legal right to obtain documents 17 upon demand."). 18 As a rule, a subpoena primarily is a mechanism for obtaining discovery and testimony 19 from non-parties. Fed. R. Civ. P. 45 (a). The United States Marshals Service ("USM") handles 20 Court requests for service of subpoenas and summons. These requests are burdensome, time- 21 consuming and place significant demands on limited USM resources. 22 Pending is defendant D. Sotaso's motion to dismiss. For purposes of judicial efficiency, 23 the court does not issue a discovery and scheduling order until the pleadings are closed. Plaintiff 24 remains detained in the Fresno County Jail and defendant D. Sotaso is an employee of the Fresno 25 County Sheriff's Office. Thus, while Plaintiff has identified documents that may be relevant, it 26 appears the requested documents can be obtained through the discovery process without a 27 will issue a findings and recommendations separately to the district court on the motion consistent with 28 28 U.S.C. § 636(b)(1)(C). 1 | subpoena by making a request for production of such documents from defendant D. Sotaso once 2 | the court directs the commencement of discovery. By using the discovery process to obtain the 3 | documents Plaintiff seeks, the Court will not be placing additional strain on the already limited 4 | USM resources. If, however, after making such a request upon the named defendant, defendant 5 || refuses to produce such documents because they do not have access or the legal right to obtain 6 | such documents, Plaintiff may renew his request for an issuance of a subpoena. 7 Accordingly, it is ORDERED: 8 1. Plaintiff's motion for a subpoena (Doc. No. 24) is DENIED without prejudice. 9 2. The Clerk of Court shall correct the docket to reflect that the County of Fresno, the 10 Fresno County Jail, and the Fresno County Sheriff Department are not named as 11 defendants in Plaintiffs First Amended Complaint filed on March 7, 2025 (Doc. No. 12 12). 13 14 | Dated: December 8, 2025 Mote Zh. fareh Back

HELENA M. BARCH-KUCHTA

15 UNITED STATES MAGISTRATE JUDGE

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