

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**ALTON R. SHAW,**

**Plaintiff,**

**CIVIL ACTION**

**v.**

**No. 09-3178-JWL-GLR**

**SHELTON RICHARDSON,  
et al.,**

**Defendants.**

**ORDER**

This is a civil action filed by a *pro se* prisoner in federal custody. He alleges claims that arose during his incarceration in the Leavenworth, Kansas, Detention Facility, operated by the Corrections Corporation of America (“CCA”). Pending before the Court is Plaintiff’s Motion for Subpoena of Witnesses (doc. 14). Plaintiff requests that twelve individuals employed or formerly employed at CCA be subpoenaed for testimony. Two of the individuals listed in the motion are named as defendants. The remaining ten individuals are not parties in this action.

Federal Rule of Civil Procedure 45(a)(3) provides that “[t]he clerk must issue an subpoena, signed but otherwise in blank, to a party who requests it.” The requesting party must then complete the subpoena and effectuate its service.<sup>1</sup> The Court therefore grants Plaintiff’s Motion for Issuance of Subpoenas. The form Subpoena to Testify at a Deposition in a Civil Action is attached to this Order.

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<sup>1</sup>Fed. R. Civ. P. 45(a)(3). *See also Leo v. Garmin Int’l, Inc.*, No. 09-2139-KHV, 2009 WL 3458292, at \*1 (D. Kan. Oct. 26, 2009) (granting *pro se* plaintiff’s motion for the issuance of subpoenas).

Plaintiff is reminded that he must comply with Federal Rule of Civil Procedure 45, which sets forth specific requirements for issuing subpoenas. One of the requirements under Fed. R. Civ. P. 45(b)(1), is that subpoenas requiring the attendance of a witness for deposition must be served with “fees for 1 day’s attendance and the mileage allowed by law” to the witness.

In addition, Plaintiff is reminded that Fed. R. Civ. P. 30(a)(2)(A)(i) limits the number of depositions a party can take to a maximum of ten. Plaintiff must therefore obtain leave in order to take more than ten depositions, unless the parties have stipulated to the depositions.

IT IS THEREFORE ORDERED that Plaintiff’s Motion for Subpoena of Witnesses (doc. 14) is granted, as set forth herein.

Dated in Kansas City, Kansas, this 28th day of June, 2010.

s/ Gerald L. Rushfelt  
Gerald L. Rushfelt  
United States Magistrate Judge