



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

In the matter of

Amendment to
Criminal Local Rule 17.1

General Order No. 742

Good cause appearing, and following a public comment period, the Court amends the following Local Rule as follows:

Criminal Local Rule 17.1 Subpoenas

- a. **Payment of Costs.** As authorized by Rule 17(b), Fed.R.Crim.P., the Court orders that the cost incurred for the service of process and witness fees for each witness subpoenaed by defense counsel appointed under the Criminal Justice Act must be paid in the same manner in which similar costs and fees are paid in case of witnesses subpoenaed ~~in~~ on behalf of the government. All subpoenas issued under this rule must bear the name of defense counsel who will cause to be placed thereon after counsel's name the words: "appointed under Criminal Justice Act".

- b. **Production.** No subpoena in a criminal case may require the production of books, papers, documents or other objects at a date and time or place other than the date, time and place at which the trial, hearing or proceeding at which these items are to be offered in evidence is scheduled to take place, unless the Court has entered an order under Rule 17(c) of the Federal Rules of Criminal Procedure authorizing the issuance of such subpoena. Any motion for the issuance of a subpoena under Rule 17(c) must be made to the ~~magistrate~~ judge assigned to ~~criminal duty at the time of the filing of the motion, unless otherwise ordered by a district judge assigned to the case,~~

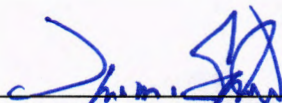
for the trial, hearing or proceeding at which the subpoenaed witness or items are to be offered, and must be returnable in no less than seven (7) days from the filing of the motion. Except for good cause shown, all motions for a subpoena *duces tecum* under Rule 17(c) must be served on all parties who may file an opposition or response not less than seventy-two (72) hours prior to the return date of the motion. Motions seeking subpoenas *duces tecum* under this subsection must be supported by an affidavit or declaration establishing that: (1) the documents or objects sought are evidentiary and relevant; (2) that the documents or objects sought are not otherwise reasonably procurable in advance of the trial, hearing or proceeding by exercise of due diligence; (3) that the moving party cannot properly prepare for trial without such production and inspection in advance of trial and the failure to obtain such inspection may tend unreasonably to delay the trial, and (4) that the application is made in good faith and is not intended for the purpose of general discovery. Any subpoena *duces tecum* issued under this subsection must be returnable and the items sought thereunder must be produced before the ~~magistrate~~ issuing judge. The Clerk must maintain the items produced pursuant to such subpoenas but must make them available for the inspection of the parties and the attorneys.

* * *

The period of public comment will be until July 5, 2022. Absent further order of this Court, the effective date of the Rule amendments will be August 1, 2022. Any comments should be submitted to the Clerk of the Court, United States District Court, at 333 West Broadway, Room 420, San Diego, California 92101.

IT IS SO ORDERED.

Dated: 6.16.22



DANA M. SABRAW,
Chief Judge
United States District Court

see attached

JANIS L. SAMMARTINO, Judge
United States District Court

for the trial, hearing or proceeding at which the subpoenaed witness or items are to be offered, and must be returnable in no less than seven (7) days from the filing of the motion. Except for good cause shown, all motions for a subpoena *duces tecum* under Rule 17(c) must be served on all parties who may file an opposition or response not less than seventy-two (72) hours prior to the return date of the motion. Motions seeking subpoenas *duces tecum* under this subsection must be supported by an affidavit or declaration establishing that: (1) the documents or objects sought are evidentiary and relevant; (2) that the documents or objects sought are not otherwise reasonably procurable in advance of the trial, hearing or proceeding by exercise of due diligence; (3) that the moving party cannot properly prepare for trial without such production and inspection in advance of trial and the failure to obtain such inspection may tend unreasonably to delay the trial, and (4) that the application is made in good faith and is not intended for the purpose of general discovery. Any subpoena *duces tecum* issued under this subsection must be returnable and the items sought thereunder must be produced before the magistrate issuing judge. The Clerk must maintain the items produced pursuant to such subpoenas but must make them available for the inspection of the parties and the attorneys.

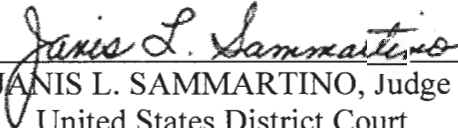
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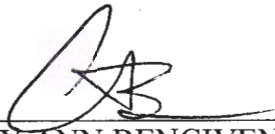
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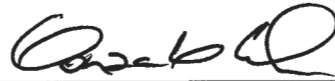
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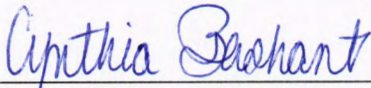

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CATHY ANN BENCIVENGO, Judge
United States District Court



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United States District Court



TODD W. ROBINSON, Judge
United States District Court

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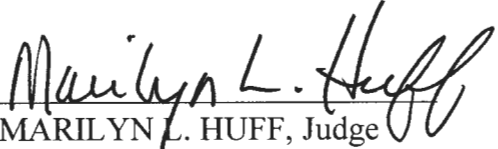
LINDA LOPEZ, Judge
United States District Court



JINSOOK OHTA, Judge
United States District Court

see attached

RUTH BERMUDEZ
MONTENEGRO, Judge
United States District Court



MARILYN L. HUFF, Judge
United States District Court



BARRY TED MOSKOWITZ, Judge
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JEFFEREY T. MILLER, Judge
United States District Court

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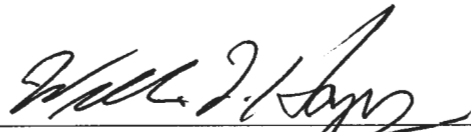
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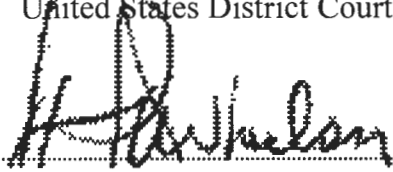
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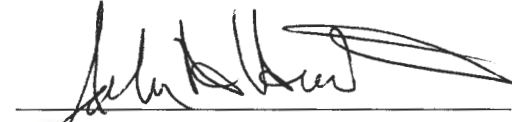
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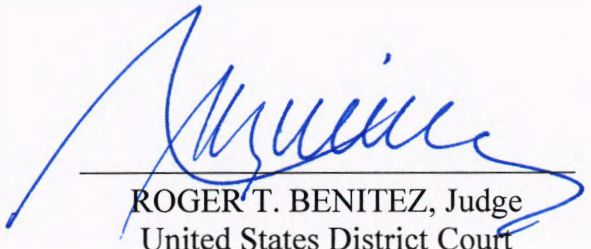
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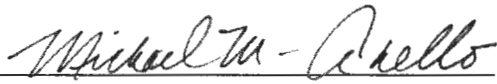
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