

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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MALIBU MEDIA, LLC,	:	
	:	
Plaintiff,	:	Civil Action No. 12-6345 (JLL)
	:	
v.	:	
	:	
JOHN DOES 1-37,	:	ORDER
	:	
Defendants.	:	
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This matter having come before the Court by way of Plaintiff's letter application filed on December 19, 2012 [ECF No. 8] for the Court to "So Order" the Subpoena plaintiff seeks to issue pursuant to the November 29, 2012, Order of the Court [ECF No. 6] granting plaintiff's motion for expedited discovery;

and the Court having reviewed the proposed subpoena submitted as ECF No. 8-1;

and it appearing that plaintiff seeks to issue the subpoena to Optimum Online c/o CSC Holdings Inc. in Bethpage, New York for the production of the discovery sought;

and it further appearing that plaintiff has captioned the subpoena as issuing from the United States District Court for the Eastern District of New York;¹

¹ Plaintiff seeks to have the Court endorse a subpoena issued by the United States District Court for the Eastern District of New York. See ECF No. 8-1. This Court lacks the authority to do so. In stating that "Plaintiff shall present subpoenas issued by from this Court for the Court's review and "So Ordered" endorsement if the same is requested by the subpoenaed internet service provider[.]" the Court specifically limited its endorsement to subpoenas issued by this Court, consistent with Federal Rule of Civil Procedure 45. Nov. 29, 2012, Order, ECF No. 6, at 2.

and this Court having no authority under Federal Rule of Civil Procedure 45 to endorse the issuance of a subpoena from or on behalf of the United States District Court for the Eastern District of New York;

and the Court therefore concluding that the subpoena presented by plaintiff for endorsement is defective pursuant to Federal Rule of Civil Procedure 45;

IT IS on this 20th day of December 2012,

ORDERED that plaintiff's application for this Court to endorse the subpoena submitted as ECF No. 8-1 is hereby denied without prejudice.

s/Michael A. Hammer

UNITED STATES MAGISTRATE JUDGE