

Rule 45 – Subpoena

OKLAHOMA NORTHERN DISTRICT COURT – PROPOSED NEW RULE

LCvR 45-1 Issuance of Subpoenas and Writs of Habeas Corpus Ad Testificandum.

- (a) Issuance of Subpoenas. Any litigant, whether self-represented or with counsel, who is proceeding in forma pauperis must file a written motion requesting issuance of any subpoena. The motion shall be filed not less than twenty-one (21) days before the date set for trial or hearing and shall include the following information.
- (1) If for a hearing or deposition, the motion must set forth the name and address of each witness for whom a subpoena is sought, along with a brief summary of the substance of the witness' anticipated testimony.
 - (2) If for the production of documents, electronically stored information or tangible things or to permit the inspection of premises, the motion must set forth a detailed description of the request.
 - (3) In its discretion, the Court may impose this requirement on self-represented litigants not proceeding in forma pauperis.
- (b) Writs of Habeas Corpus Ad Testificandum. All self-represented litigants must include in any petition for a writ of habeas corpus ad testificandum for a non-party witness: the name, inmate number, if any, and address of the witness, along with a brief summary of the substance of the witness' anticipated testimony. The petition shall be filed not less than twenty-one (21) days before the date set for trial or hearing.

FEDERAL RULE 45 DOES NOT GIVE GUIDANCE TO PRO SE LITIGANTS (ONLY ATTORNEYS) ON THE PROCESS OF GETTING SUBPOENAS ISSUED. THIS NEW RULE WOULD PROVIDE GUIDANCE TO PRO SE LITIGANTS, IT IS BASED ON A LOCAL RULE FROM THE EASTERN DISTRICT OF MISSOURI.