

FILED

NOV 03 2021

Mark C. McCartt, Clerk
U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

IN RE: SUBPOENAS DUCES TECUM
UNDER RULE 17(c) OF THE FEDERAL
RULES OF CRIMINAL PROCEDURE

General Order 21-34

General

No subpoena in a criminal case may require the production of books, papers, documents, data, or other objects at a date, time or place other than the date, time, and place of the trial, hearing, or proceeding at which the items are to be offered in evidence, unless the Court has entered an order under Fed.R.Crim.P. 17(c) authorizing the issuance of the subpoena.

Motion for Subpoena

All parties must file a motion for subpoena pursuant to Fed.R.Crim.P. 17(c) with the Court prior to the issuance of any subpoena. Except in an extraordinary case where ex parte consideration may be justified, the motion for issuance of the subpoena must be served on all counsel of record in the case. Motions pursuant to Fed.R.Crim.P. 17(c) will be heard by the assigned Magistrate Judge hereby designated to hear and determine such motion pursuant to 28 U.S.C. § 636(b)(1)(A).

The motion should include the following:

- (1) The specific material sought and an explanation as to its evidentiary value and relevancy;
- (2) An explanation as to why the movant could not otherwise procure the material;
- (3) An explanation as to why the movant cannot prepare the matter without the material in advance and why the failure to obtain advanced production of such material may unreasonably delay the trial, hearing, or proceeding;
- (4) A statement that the motion is made in good faith and is not intended as a general "fishing expedition";
- (5) A representation as to whether or not the material sought requires the production of personal or confidential information about a victim so as to invoke the notification provisions of Fed.R.Crim.P. 17(c)(3);

- (6) A stated justification for filing the motion ex parte, if applicable;
- (7) An explanation of the requested procedure for the time and place of production and inspection; and
- (8) Whether the Rule 17(c) motion implicates Okla. Stat. tit. 10A, § 1-6-102 and its procedures.

The motion should attach:

- (1) The proposed subpoena; and
- (2) A proposed order, if any specific form of order is requested from the Court, such as an order contemplated by Okla. Stat. tit. 10A, § 1-6-102.

Ruling

Upon consideration of the motion for subpoena, the Magistrate Judge will make a determination as to whether the material sought is probably relevant and probably admissible. The Magistrate Judge may place limits on the requested production and will set forth the procedure for the time and place of the production and inspection of the material produced. The Clerk of Court will issue any such subpoena authorized by the Magistrate Judge pursuant to these provisions.

IT IS SO ORDERED this 3rd day of November, 2021.



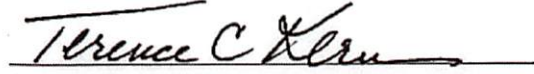
JOHN F. HEIL III
CHIEF UNITED STATES DISTRICT JUDGE




CLAIRE V. EAGAN
UNITED STATES DISTRICT JUDGE



GREGORY K. FRITZELL
UNITED STATES DISTRICT JUDGE


TERENCE C. KERN
UNITED STATES DISTRICT JUDGE


JOHN E. DOWDELL
UNITED STATES DISTRICT JUDGE