

## UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

9 RICHARD A. OCHOTORENA, CASE NO. 1:05-CV-01524-LJO-DLB PC

10 Plaintiff,

11 v.

12 DARREL G. ADAMS, et al.,

13 Defendants.

ORDER GRANTING PLAINTIFF'S MOTIONS FOR ISSUANCE OF SUBPOENA DUCES TECUM IN PART, AND PLACING PARTIES ON NOTICE THAT SUBPOENAS TO JOHANNA CORDOVA AND A. HERNANDEZ WILL ISSUE AFTER TEN DAYS FROM THE DATE OF SERVICE OF THIS ORDER

14 \_\_\_\_\_ / (DOCS. 81, 86)

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16 Plaintiff Richard A. Ochotorena (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendants Adams, Kalkis, Reynoso, Curtiss, Duncan, Fambrough, Lane, and Rodriguez. Pending before the Court are Plaintiff’s motions for issuance of a subpoena duces tecum, filed May 6, 2010 and October 12, 2010. (Docs. 81, 86.)22 **I. May 6, 2010 Request**23 Request No. 1: Produce the video surveillance operational procedure plan for Facility “C”  
24 (officially known as Operational Procedure “O.P.-315 Exercise Yard Video Monitoring) at CSATF and State Prison at Corcoran on September 8, 2003.25  
26 This request is granted. Defendant Adams indicated that litigation coordinator Johanna Cordova  
27 of the California Substance Abuse Treatment Facility (“CSATF”) would be the person most  
28 likely to have access to this document.

1 Request No. 2: Produce the video surveillance tape from all active camera angels of video  
2 footage of the Facility "C", program office and medical area on September  
8, 2003, relative to CSATF Log No. 03-3924.

3 This request is granted. Defendant Adams indicated that litigation coordinator Johanna Cordova  
4 would be the person most likely to have access to this document, if it exists.

5 Request No. 3: Produce video surveillance tape footage of normal inmate movement from  
6 all active camera angels of the Facility "C", program office and medical  
area of CSATF and State Prison at Corcoran.

7 This request is denied. As stated in a separate order, this request is not reasonably calculated to  
8 lead to the discovery of admissible evidence.

9 Request No. 4: Produce the Local Operational Procedure of CSATF and State Prison at  
10 Corcoran on September 8, 2003 on crime scene preservation and  
maintaining the chain of evidence.

11 This request is denied, as it is better addressed below in Plaintiff's October 12, 2010 request.

12 **II. October 12, 2010 Request**

13 Request No. 4: Produce CSATF and State Prison's local operational procedure on  
14 photographing a crime scene in effect on September 8, 2003.

15 This request is granted. Defendant Kalkis indicated that A. Hernandez, the assistant in-service-  
16 training manager at CSATF, was in possession of relevant documents pertaining to this request,  
17 namely two power point presentations and a 2003 lesson plan regarding general evidence  
18 collection.

19 Request No. 5: Produce CSATF and State Prison's local operational procedure on crime  
20 scene preservation in effect on September 8, 2003.

21 This request is granted. Defendant Kalkis indicated that A. Hernandez was in possession of  
22 relevant documents pertaining to this request.

23 **III. Conclusion And Order**

24 Pursuant to Federal Rule of Civil Procedure 45(b)(1), this order provides the requisite  
25 notice to the parties that the Court will, after ten days from the date of service of this order, issue  
26 the subpoena and direct the United States Marshal to effect personal service upon Johanna  
27 Cordova and A. Hernandez.

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1 Accordingly is HEREBY ORDERED that:

2 1. Plaintiff's motions for the issuance of a subpoena duces tecum are GRANTED in  
3 part and DENIED in part as described in this order; and  
4 2. Pursuant to Federal Rule of Civil Procedure 45(b)(1), the parties are placed on  
5 notice that a subpoena duces tecum to Johanna Cordova and A. Hernandez will be  
6 issued after ten (10) days from the date of service of this order.

7 IT IS SO ORDERED.

8 Dated: December 7, 2010

/s/ Dennis L. Beck  
9 UNITED STATES MAGISTRATE JUDGE

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