

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RICHARD A. OCHOTORENA,

Plaintiff,

v.

DARREL G. ADAMS, et al.,

Defendants.

CASE NO. 1:05-CV-01524-LJO-DLB PC

ORDER DIRECTING SERVICE OF
SUBPOENA DUCES TECUM BY UNITED
STATES MARSHAL WITHOUT
PREPAYMENT OF COST

(DOC. 91)

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 Rodriquez. On December 8, 2010, the Court issued an order granting Plaintiff’s motions for the issuance of a subpoena duces tecum in part and providing notice to the parties that the Court intended after ten days to issue the subpoenas and direct the United States Marshal to effect personal service. Fed. R. Civ. P. 45; 28 U.S.C. § 1915(d).

Accordingly, it is HEREBY ORDERED that:

- 1. The Clerk of Court shall forward the following documents to the United States Marshals Service:

///
///

1 a. One (1) completed and issued subpoena duces tecum to be served on:

2 **Johanna Cordova, Litigation Coordinator**
3 **900 Quebec Avenue**
4 **Corcoran, CA 93212**

5 b. One (1) completed and issued subpoena duces tecum to be served on:

6 **A. Hernandez, assistant in-service-training manager**
7 **900 Quebec Avenue**
8 **Corcoran, CA 93212**

9 c. Two (2) completed USM-285 forms; and

10 d. Three (3) copies of this order, one to accompany each subpoena, and one
11 for the United States Marshals Service.

12 2. Within **twenty (20) days** from the date of this order, the Marshals Service is
13 directed to serve the subpoena in accordance with the provisions of Rule 45 of the
14 Federal Rules of Civil Procedure.

15 3. The Marshals Service is directed to retain a copy of the subpoena in its file for
16 future use.

17 4. The Marshals Service SHALL effect personal service of the subpoena duces
18 tecum, along with a copy of this order, upon the entity in the subpoena pursuant to
19 Rule 45 of the Federal Rules of Civil Procedure and 28 U.S.C. § 566(c).

20 5. Within **ten (10) days** after personal service is effected, the Marshals Service shall
21 file the return of service, along with the costs subsequently incurred in effecting
22 service. Said Costs shall be enumerated on the USM-285 form.

23 IT IS SO ORDERED.

24 **Dated: December 17, 2010**

25 **/s/ Dennis L. Beck**
26 **UNITED STATES MAGISTRATE JUDGE**