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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAMUEL DANCY,

Plaintiff,

vs.

A.K. SCRIBNER, et al.,

Defendants.

Case No. 1:07-cv-00716 OWW JLT (PC)

ORDER RE: PLAINTIFF’S REQUEST FOR
THE ATTENDANCE OF CERTAIN
UNINCARCERATED WITNESSES

(Doc. 86)

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. In the pretrial order filed March 31, 2011, the Court informed Plaintiff that if he wishes to obtain the attendance of unincarcerated witnesses who refuse to testify voluntarily, he must notify the Court in writing of the name and location of each unincarcerated witness. (Doc. 83 at 4.) On April 29, 2011, Plaintiff filed a response to the Court’s pretrial order, wherein he appears to request the attendance of the following unincarcerated witnesses: (1) Dr. Thompson; (2) Nurse Douglas; (3) Dr. Posner; (4) Dr. Smith; (5) Dr. Reynolds; (6) Dr. Gage; and (7) Dr. Hasadsri. (Doc. 86 at 6-8.) Doctors Posner, Smith, Reynolds, and Hasadsri, however, are named defendants in this action, whose appearance at trial need not be secured by subpoena. With respect to Dr. Thompson, Nurse Douglas,

1 and Dr. Gage¹, Plaintiff has not provided the Court with locations where these witnesses may be found.²

2 Accordingly, the Court will not issue subpoenas for the purpose of obtaining the appearance of
3 the above-named individuals at trial.

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5 IT IS SO ORDERED.

6 Dated: May 26, 2011

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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26 ¹In response to former defendant-Gage’s motion to dismiss, Plaintiff admitted that Anitra Gage was not a medical
27 doctor but was, instead, a nurse practitioner. (Doc. 73 at 1; Doc. 76 at 2; Doc. 64 at 1.)

28 ² Notably, the Court’s previous attempts at securing information regarding Dr. Thompson’s location have been
unsuccessful. (See Docs. 38, 39 & 62.)