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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF CALIFORNIA  
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8 JOSEPH R. PULLIAM,

CASE NO. 1:07-cv-964-LJO-MJS (PC)

9 Plaintiff,

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

10 v.

11 M. LOZANO, et al.,

(ECF No. 68)

12 Defendants.  
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16 Plaintiff Joseph R. Pulliam ("Plaintiff") is a prisoner in the custody of the  
17 California Department of Corrections and Rehabilitation ("CDCR"). Plaintiff is  
18 proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C.  
19 § 1983. The action proceeds on Plaintiff's First Amended Complaint, filed February 2,  
20 2009, against Defendants Lozano and Mason for Eighth Amendment violations. (ECF  
21 No. 23.)

22 On September 14, 2011, the Court issued an Order granting, in part, Plaintiff's  
23 Motion for a Subpoena Duces Tecum, and provided notice to the parties that the Court  
24 intended after fifteen days to issue the subpoena and direct the United States Marshal  
25 to effect personal service. (ECF No. 68); Fed. R. Civ. P. 45; 28 U.S.C. § 1915(d).

26 Accordingly, it is HEREBY ORDERED that:

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

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

**Kelly Harrington, Warden  
Kern Valley State Prison  
3000 West Cecil Avenue  
Delano, CA 93216**

The Warden of Kern Valley State Prison is directed to produce the following within thirty (30) days from the date of service of the subpoena:

- (1) CDCR 115 Rules Violation Report, and CDCR 837C Incident/Staff Report, written by Defendant M. Lozano.
- (2) CDCR 837C Incident/Staff Report, written by Defendant L. Mason.
- (3) CDCR 837C Incident/Staff Report, written by Corrections Officer W. Gomez, Badge No. 69326.
- (4) CDCR 837C Incident/Staff Report, written by Corrections Officer N. Correa, Badge No. 60440.
- (5) CDCR 837C Inceident/Staff Report, written by Corrections Officer C. Rios, Badge No. 66383. Apprise
- (6) CDCR 837C Incident/Staff Report, written by Corrections Officer S. Stinnett, Badge No. 69373.
- (7) CDCR 837C Incident/Staff Report, written by L. Lozano, Badge No. 63710.
- (8) CDCR 837-A1 Incident/Staff Report Supplement, written by Corrections Lieutenant F. J. Reynoso, Badge No. 49846.
- (9) CDCR 3014 Report of Findings - Inmate Interview, Including, Audio/Video Disc, processed by prison officials as "evidence," interview conducted by Corrections Sergeant J. Peacock, Badge No. 67291; Video Recorder Operated by Corrections Officer L. Lozano, Badge No. 63710.
- (10) CDCR 115 Rules Violation Report - Part C, Investigative Employee Report, written by Corrections Officer T. Reyna, Badge No. Not Available.
- (11) CDCR 7219 Medical Report of Injury, for Plaintiff Joseph R. Pulliam, CDCR No. D24735.

B. One (1) completed USM-285 form; and

C. Two (2) copies of this order, one to accompany the subpoena, and one for the United States Marshals Service.

2. Within **twenty (20) days** from the date of this order, the Marshals Service is

1 directed to serve the subpoena in accordance with the provisions of Rule 45 of  
2 the Federal Rules of Civil Procedure.

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

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

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

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13 IT IS SO ORDERED.

14 Dated: October 11, 2011

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE