# UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

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| TIMOTHY CRAYTON<br><br>Plaintiff,<br><br>v.<br><br>ROCHESTER MEDICAL CORPORATION, a Minnesota corporation and JOHN DOE DISTRIBUTOR,<br><br>Defendants. | 1:07-CV-1318 OWW GSA<br><br>ORDER DENYING REQUEST FOR APPOINTMENT OF SPECIAL MASTER<br><br>(Document 177) |

On May 24, 2010, Plaintiff filed a document entitled, "Plaintiff's objection to the May 5, 2010 Court Order and: Request for Appointment of Special Master." (Doc. 177 at pg.1). In this document, Plaintiff indicates that he disagrees with this Court's order issued on May 5, 2010, wherein the Court granted Plaintiff's Motion to Quash a Subpoena issued by Defendant Rochester Medical Group in part. (Doc. 164). The order allowed prison officials to search Plaintiff's boxes for the catheter and packaging at issue in this case. The Court placed several restrictions on the search, including a prohibition against prison officials reading any documents, books, or other information contained within Plaintiff's property. In the instant pleading, Plaintiff has requested that the Court "appoint an impartial person to act as a Special Master to search the boxes of property with the Plaintiff present to observe the search." (Doc. 164 at pg. 3).

The Court has reviewed Plaintiff's request and has determined it is moot. The Court ordered that the Warden respond to the subpoena no later than May 21, 2010. (Doc. 164 at pg. 7, lines 23-25). The Court did not receive Plaintiff's request until May 24, 2010, after the date the search was ordered to take place. Furthermore, Plaintiff did not provide any legal authority in support of his request, nor did Plaintiff indicate how the "impartial person" would be compensated. Accordingly, Plaintiff's request is DENIED.

IT IS SO ORDERED.

**Dated:** **May 28, 2010** **/s/ Gary S. Austin**
UNITED STATES MAGISTRATE JUDGE