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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

NICOLAS MORAN,

Plaintiff,

v.

JOHN DOVEY, et al.,

Defendants.

CASE NO. 1:08-cv-00016-GBC (PC)

ORDER GRANTING REQUEST FOR
SUBPOENA DUCES TECUM

(Docs. 96, 97)

ORDER DIRECTING CLERK’S OFFICE TO
SEND PLAINTIFF SUBPOENA DUCES
TECUM FOR COMPLETION AND RETURN
TO THE COURT WITHIN THIRTY DAYS

Plaintiff Nicolas Moran (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s second amended complaint, filed on November 18 2008. (Docs. 20, 29, 30). On December 22, 2010, Plaintiff filed a motion to subpoena the California Department of Corrections and Rehabilitation to produce documents filed in Plaintiff’s central file (c-file) from November 21, 2006, to December 24, 2006. (Doc. 94). Defendants have not filed an objection to this motion. On January 20, 2011, Plaintiff filed a motion to subpoena the California Department of Corrections and Rehabilitation to produce documents filed in Plaintiff’s medical, psychiatric and c-files from November 21, 2006, to December 24, 2006. (Doc. 96). Defendants have not filed an objection to this motion. On February 4, 2011, Plaintiff filed a proposed subpoena to the Litigation Coordinator at Pleasant Valley State Prison to provide medical, psychiatric and c-file records filed between November 21, 2006, to December 24, 2006. (Doc. 97). Defendants have not filed a response to Plaintiff’s proposed subpoena. On March 4, 2011, Plaintiff filed a motion to compel the Litigation

1 Coordinator to produce documents which were requested in the February 4, 2011, proposed
2 subpoena, namely, Plaintiff's medical, psychiatric and c-files from November 21, 2006, to December
3 24, 2006.

4 Since Plaintiff's motion for subpoena duces tecum filed on January 20, 2011, is more
5 expansive than the one filed on December 22, 2010, in that it includes requests for medical and
6 psychiatric files in addition to the c-file, the Court STRIKES the motion for subpoena filed on
7 December 22, 2010, as duplicative. (Doc. 94). Additionally, the Court reads Plaintiff's proposed
8 subpoena filed on February 4, 2011, together with Plaintiff's January 20, 2011, motion for subpoena,
9 since the subpoena filed on February 4, 2011, provides greater detail as to whom to direct the
10 subpoena.

11 Since the excessive force allegations that give rise to this action occurred on November 22,
12 2006, Plaintiff's request is sufficiently tailored to the records created between November 21, 2006
13 and December 24, 2006, and Plaintiff's request is appropriately directed to the Litigation Coordinator
14 at Pleasant Valley State Prison. (Docs. 96 and 97). Therefore, Plaintiff's motion for subpoena duces
15 tecum filed on January 20, 2011, (read together with proposed subpoena filed February 4, 2011)
16 requiring the Litigation Coordinator at Pleasant Valley State Prison to produce records from
17 Plaintiff's prison c-file, psychiatric and medical files from November 21, 2006, to December 24,
18 2006 is GRANTED. Therefore, Plaintiff's subsequent motion to compel, filed on March 4, 2011,
19 is DENIED as moot. (Doc. 98).

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21 As set forth herein, it is HEREBY ORDERED that:

- 22 1. Plaintiff's motion for subpoena duces tecum, filed January 20, 2011, (Doc. 96) is
23 GRANTED;
- 24 2. Plaintiff's motion for subpoena duces tecum, filed December 22, 2011, (Doc. 94) is
25 STRICKEN as duplicative;
- 26 3. Plaintiff's third motion to compel, filed March 4, 2011, (Doc. 98) is DENIED as
27 moot;
- 28 4. The Clerks Office shall send plaintiff a subpoena duces tecum;

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5. Within **thirty (30) days** from the date of service of this order, Plaintiff shall fill out the subpoena and return it for the Court to review.

IT IS SO ORDERED.

Dated: March 22, 2011


UNITED STATES MAGISTRATE JUDGE