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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 KELVIN X. SINGLETON,

12 Plaintiff,

13 vs.

14 S. LOPEZ, et al.,

15 Defendants.  
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1:08-cv-00095-AWI-GSA-PC

ORDER QUASHING DEPOSITION  
SUBPOENAS

18 This civil rights action, brought pursuant to 42 U.S.C. § 1983, proceeds on the Second  
19 Amended Complaint filed by state prisoner Kelvin X. Singleton (“Plaintiff”) on February 12,  
20 2009, against defendants Chief Medical Officer (CMO) A. Youssef; S. Lopez, M.D.; J.  
21 Akanno, M.D.; S. Qamar, M.D.; Dr. Vasquez, M.D.; Registered Nurse II (RN) Ali; and RN  
22 Wright-Pearson (“Defendants”), on Plaintiff’s claims for deliberate indifference to his serious  
23 medical needs in violation of the Eighth Amendment, for delay in providing effective treatment  
24 for Plaintiff’s back pain, and failure to respond to Plaintiff’s eye pain and swelling. (Doc. 26.)  
25 This case is presently in the discovery phase.

26 On August 20, 2015, the parties took part in a telephonic discovery conference with  
27 Magistrate Judge Gary S. Austin regarding deposition subpoenas served by Plaintiff on Dr.  
28 Steven Yaplee, Dr. Marshall Lewis and Dr. Ashok Parmar. Attorney Patrick C. Justman

1 appeared telephonically on behalf of Plaintiff. Deputy Attorney General William J. Douglas  
2 appeared telephonically on behalf of Defendants.

3 Magistrate Judge Gary S. Austin, having read the parties' Joint Statement of Discovery  
4 Dispute, and having heard the oral arguments of counsel, held that the court's order of April,  
5 24, 2015 (ECF No. 233) did not give Plaintiff leave to serve deposition subpoenas. Therefore,  
6 the deposition subpoenas served on Dr. Steven Yaplee, Dr. Marshall Lewis and Dr. Ashok  
7 Parmar shall be quashed.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The deposition subpoenas served by Plaintiff on Dr. Steven Yaplee, Dr.  
10 Marshall Lewis and Dr. Ashok Parmar are QUASHED; and

11 2. This order does not affect Plaintiff's documents subpoenas to the foregoing  
12 doctors, or the parties' ability to conduct expert witness depositions as provided by Federal  
13 Code of Civil Procedure section 26(b)(4)(A).

14 IT IS SO ORDERED.

15 Dated: August 25, 2015

16 /s/ Gary S. Austin  
17 UNITED STATES MAGISTRATE JUDGE  
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