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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

GARRISON S. JOHNSON,  
Plaintiff,

v.

JOHN DOVEY, et al.,  
Defendants.

CASE NO. 1:08-CV-00640-LJO-DLB PC  
ORDER REQUIRING CDCR TO RESPOND  
(DOC. 134)  
RESPONSE DUE WITHIN FOURTEEN  
DAYS

Plaintiff Garrison S. Johnson (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendants Dunnahoe, V. Ybarra, Cunningham, Medrano, Holguin, Valasquez, G. Ybarra, Curliss, J. Gonzales, and K. Powell on claims of excessive force, inhumane conditions of confinement, retaliation, and state law claims.

On March 10, 2011, the Court directed the United States Marshal to serve subpoenas duces tecum on CDCR and Matthew Stainer, acting warden of California Correctional Institution, where the events giving rise to this action occurred. CDCR and Mr. Stainer were to respond to the subpoenas. Pending before the Court is Plaintiff’s motion entitled “Motion For Contempt Citation, Sanctions, and Dispositive Relief” against non-parties Matthew Cate and Michael Stainer, filed May 26, 2011. Doc. 130. The Court treats the motion as a motion to compel pursuant to Federal Rule of Civil Procedure 45. On May 31, 2011, CDCR filed its response to the motion. Doc. 131. CDCR contends that it served objections to Plaintiff’s

1 subpoenas. On June 6, 2011, the Court ordered Plaintiff to supplement his motion by submitting  
2 CDCR's objections. Doc. 133. On June 21, 2011, Plaintiff filed his response. Doc. 134.  
3 Plaintiff contends that he did not receive any written responses to the subpoenas from CDCR,  
4 and would thus be unable to comply with the Court's June 6, 2011 Order.

5 Pursuant to Federal Rule of Civil Procedure 45, "[a] person commanded to produce  
6 documents . . . may serve on the party or attorney designated in the subpoena a written objection .  
7 . . . The objection must be served the earlier of the time specified for compliance, or 14 days  
8 after the subpoena is served." Fed. R. Civ. P. 45(c)(2)(B). Failure to obey a subpoena pursuant  
9 to the Federal Rules of Civil Procedure may subject a subpoenaed party to be held in contempt.  
10 Fed. R. Civ. P. 45(e). Plaintiff is correct that he will be unable to respond to the Court's order if  
11 CDCR never served him with written objections.

12 Accordingly, it is HEREBY ORDERED that CDCR is to serve and file a response to  
13 Plaintiff's response within fourteen (14) days from the date of service of this order.

14  
15 IT IS SO ORDERED.

16 **Dated: August 4, 2011**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE