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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 DENYING PLAINTIFF'S
MOTION FOR SUBPOENA DUCES
TECUM (ECF No. 175)**

Plaintiff Garrison S. Johnson (“Plaintiff”) is a California state prisoner proceeding pro se and in forma pauperis in this civil 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 June 22, 2012, Plaintiff filed a motion for the issuance of a subpoena duces tecum to be served on the warden of California Correctional Institution. ECF No. 175. On August 22, 2012, the Court issued an order regarding the issuance of subpoena duces tecum in this action. The Court provided CDCR, a non-party to this action, twenty-one days from the date of service of this order by which to file a declaration with the Court that the document in question was produced for Plaintiff. On August 24, 2012, CDCR through its counsel submitted a declaration

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stating that the document had been served on Plaintiff. ECF No. 183. Because CDCR appears to have served the document on Plaintiff, the issuance of a subpoena duces tecum is unnecessary. Accordingly, it is HEREBY ORDERED that Plaintiff's motion for subpoena duces tecum, filed June 22, 2012, is denied as unnecessary.

IT IS SO ORDERED.

Dated: August 27, 2012

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE