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

GERALD L. MILLER, JR.,
CDCR #C-92075,

Plaintiff,

vs.

O. RUFION; MOONGA, R.N.,

Defendants.

Civil No. 08-1233 BTM (WMc)

**ORDER RE: VARIOUS MOTIONS
[Doc. Nos. 30, 31, 32]**

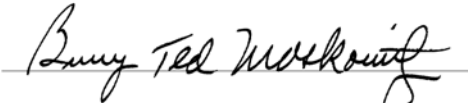
In a “Pretrial Motion Stipulation to Authentication of Documents,” Plaintiff requests that the Court authenticate certain documents. The Court does not rule on the authenticity of documents before they are offered as exhibits at trial. Therefore, this motion [Doc. No. 30] is **DENIED**. If Plaintiff chooses to offer these documents as exhibits at trial, Plaintiff will be required to authenticate the documents as set forth in Federal Rules of Evidence, Rules 901 and 902. If Plaintiff wishes, Plaintiff may serve requests for admission regarding the authenticity of the documents on Defendants pursuant to Fed. R. Civ. P. 36.

Plaintiff has also filed an “Ex Parte Motion for Appointment of Expert.” Plaintiff is free to designate any expert he chooses. However, Plaintiff must bear any costs associated with the expert witness providing his opinion or testifying at trial. There is no authority for the Court bearing such costs. Therefore, this motion [Doc. No. 31] is **DENIED**.

1 Finally, Plaintiff has filed an “Ex Parte Motion for Subpoenas” [Doc. No. 32]. This
2 motion is **GRANTED IN PART** and **DENIED IN PART**. Plaintiff’s request for subpoenas ad
3 testificandum are premature because the pretrial conference will not take place until September
4 7, 2010, and trial is not yet scheduled. Accordingly, Plaintiff’s request for these subpoenas is
5 denied without prejudice. Plaintiff may renew his request for the issuance of subpoenas ad
6 testificandum at the pretrial conference. **As for the subpoena duces tecum requested by**
7 **Plaintiff, the Court directs the Clerk of the Eastern District of California to issue the**
8 **subpoena, signed but otherwise in blank, as directed by Fed. R. Civ. P. 45(a)(3).** Plaintiff
9 is responsible for serving the subpoena, coordinating the production of the documents, and
10 paying any copying costs that might apply.

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12 **IT IS SO ORDERED.**

13 DATED: December 1, 2009

14 
15 Honorable Barry Ted Moskowitz
16 United States District Judge

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