UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FRESNO DIVISION

CESAR URIBE, Plaintiff, v. CORRECTIONAL OFFICER J. McKESSON, CORRECTIONAL OFFICER MARTINEZ, CORRECTIONAL OFFICER ZARAGOSA, CORRECTIONAL OFFICER TUZON, Defendants.	Case No. 08cv1285 DMS (NLS) **ORDER DENYING PLAINTIFF'S MOTION FOR AN ORDER DIRECTING SERVICE BY U.S. MARSHAL WITHOUT PREPAYMENT OF COSTS** [Doc. No. 94]

Plaintiff filed a motion asking this court for an order directing service of a subpoena duces tecum by the United States Marshal without prepayment of costs under 28 U.S.C. § 1915(d). Plaintiff, an indigent pro se inmate proceeding with a civil rights complaint, wants to serve the subpoena on a nonparty custodian of records at the California Substance Abuse Treatment Facility and State Prison. Through the subpoena Plaintiff seeks the production of the appeal inquiry records generated from his Inmate/Parolee 602 form that relate to the alleged incidents in this suit, and all 602 forms regarding complaints made against defendant J. McKesson during a certain time period.

The court has considered Plaintiff's motion and denies it for lack of good cause. Plaintiff is advised that his *in forma pauperis* status does not waive the payment of fees or expenses for witnesses. *See Tedder v. Odel*, 890 F.2d 210, 211-212 (9th Cir. 1989). Plaintiff is responsible to pay for any costs

associated with the subpoena, including service. Further, discovery in this case closed on December 21, 2009, and Plaintiff has not presented good cause to reopen it at this late date. The court, therefore, **DENIES** Plaintiff's motion.

IT IS SO ORDERED.

DATED: November 30, 2010

Hon. Nita L. Stormes
U.S. Magistrate Judge
United States District Court