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

GEORGE H. ROBINSON,)	Case No.: 1:08-cv-001380-AWI-BAM PC
)	
Plaintiff,)	ORDER DENYING PLAINTIFF’S MOTION FOR
)	SUBPOENA
v.)	(ECF No. 171)
)	
D. G. ADAMS, et al.,)	
)	
Defendants.)	
)	
)	
)	

Plaintiff George H. Robinson (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on the complaint against Defendants David, Miranda, Melo, Garcia, Mendoza, Martinez and Masiel for use of excessive force in violation of the Eighth Amendment; against Defendants Adams and Ruiz for failure to protect in violation of the Eighth Amendment; and against Defendants Martinez, David, Miranda and Garcia for assault and battery in violation of state law.

On April 11, 2013, Plaintiff filed a subpoena addressed to Jeffrey Beard, Director of CDCR, and the California Department of Corrections and Rehabilitation for the production of documents. (ECF No. 171.) The Court construes this filing as a motion for issuance of a third-party subpoena. Plaintiff’s motion is untimely.

Discovery in this matter is closed. On August 6, 2012, the Court re-opened discovery in this matter solely to allow Plaintiff to propound ten (10) interrogatories each to Defendants David,

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Miranda and Martinez. (ECF No. 145.) No other discovery has been permitted. Accordingly, Plaintiff's motion for issuance of a subpoena to non-party Jeffrey Beard and/or the California Department of Corrections and Rehabilitation is DENIED.

IT IS SO ORDERED.

Dated: May 10, 2013

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE