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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DONALD GLASS,

Plaintiff,

v.

J. S. WOODFORD, et al.,

Defendants.

CASE NO. 1:09-cv-00098-AWI-BAM PC

ORDER DENYING OF PLAINTIFF’S
MOTION FOR SUBPOENA DUCES, WRIT OF
HABEAS CORPUS AD TESTIFICANDUM
AND ALL WRITS ACT (ECF Nos. 203, 205)

ORDER GRANTING PLAINTIFF RELIEF
FROM PRETRIAL ORDER REQUIRING
SUBMISSION OF FOUR PRE-MARKED
COPIES OF HIS PROPOSED TRIAL
EXHIBITS (ECF No. 155)

Plaintiff Donald Glass (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. A jury trial is scheduled for April 16, 2013. On February 15, 2013, the Court issued a Pretrial Order, which set forth the deadlines for pretrial submissions. Pursuant to that order, the parties are required to submit four complete sets of proposed trial exhibits on or before April 11, 2013. (ECF No. 155, pp. 23-24.) On March 22, 2013, Plaintiff filed a document entitled “Plaintiff’s Motion for Subpoena Duces, Writ of Habeas Corpus Ad Testificandum and All Writs Act Requiring And Commanding Non Parties Warden, Captain and Librarian to Appear Themselves With Glass and Four Sets of Premarked Exhibits at Trial Court on April 1, 2013 or, In The Alternative a Telephonic Conference with Non Parties Directing Them to Photocopy Four Sets of Pre-Marked Exhibits.” (ECF No. 203.) On March 27, 2013, Plaintiff filed a duplicate document. (ECF No. 205.)

By his motions, Plaintiff requests that the Court order the Kern Valley State Prison librarian, warden and facility captain to appear at the courthouse with four sets of pre-marked exhibits on April

1 1, 2013, or alternatively, that the Court convene a telephonic conference with these non-parties and
2 direct them to photocopy four sets of pre-marked exhibits. The Court declines to issue a subpoena
3 or other order directing the Kern Valley State Prison librarian, warden and facility captain to appear
4 at the courthouse with pre-marked exhibits or to otherwise order them to make photocopies.
5 Plaintiff's request is a form of injunctive relief and this action provides no basis upon which to
6 award Plaintiff such relief against non parties. *See, e.g., Steel Co. v. Citizens for a Better*
7 *Environment*, 523 U.S. 83, 102-103, 118 S.Ct. 1003 (1998) (discussing case-or-controversy
8 requirement).

9 However, to the extent Plaintiff seeks relief from the Court's pretrial order requiring the
10 production of four sets of pre-marked exhibits, his request shall be granted. Plaintiff shall be
11 required to submit a single pre-marked copy of his proposed trial exhibits no later than April 15,
12 2013.

13 Based on the foregoing, it is HEREBY ORDERED as follows:

- 14 1. Plaintiff's motions for subpoenas duces, writ of habeas corpus ad testificandum and
15 all writs act are DENIED;
- 16 2. Plaintiff's request for relief from the Pretrial Order requiring production of four pre-
17 marked copies of his proposed trial exhibits is GRANTED; and
- 18 3. Plaintiff is required to submit one (1) copy of his pre-marked exhibits to Courtroom
19 Deputy Harold Nazaroff on or before April 15, 2013.

20 IT IS SO ORDERED.

21 Dated: March 28, 2013



22 SENIOR DISTRICT JUDGE