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

ROBERT SAENZ,	)	Case No.: 1:09-cv-00557-BAM (PC)
Plaintiff,	)	
v.	)	ORDER DENYING MOTION TO QUASH
	)	ANTICIPATED SUBPOENAS
SGT. D. REEVES,	)	(ECF No. 121)
Defendant.	)	
	)	
	)	
	)	

Plaintiff Robert Gonzales Saenz (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendant Reeves for retaliation in violation of the First Amendment and deliberate indifference to conditions of confinement in violation of the Eighth Amendment. The matter is set for jury trial on June 18, 2013.

On February 25, 2013, Plaintiff requested the attendance of inmate Armando Abreu at trial. Inmate Abreu filed a motion to quash the anticipated subpoena on March 29, 2013. Following a telephonic trial confirmation hearing, the Court denied the motion to quash and ordered that inmate Abreu testify at trial via videoconference. (ECF No. 122.)

However, inmate Abreu has a second motion to quash pending in this action. (ECF No. 121.) Inmate Abreu’s second motion to quash should be denied. The Court has determined that inmate

1 Abreu's potential testimony is relevant to this action and has granted Plaintiff's motion for the  
2 attendance of inmate Abreu by video conference.

3 Accordingly, it is HEREBY ORDERED as follows:

- 4 1. Inmate Armando Abreu's motion to quash subpoena, filed on April 15, 2013, is DENIED;  
5 and
- 6 2. The Clerk of the Court is requested to serve a copy of this Order on inmate Armando  
7 Abreu, #H-16924, at Lancaster State Prison, #44750 60th Street West, P.O. Box 4610,  
8 #FCBI-204-L, Lancaster, California, 93539-4610.

9  
10  
11 IT IS SO ORDERED.

12 Dated: April 17, 2013

13 /s/ Barbara A. McAuliffe  
14 UNITED STATES MAGISTRATE JUDGE