

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

JIMMY MCDONALD,

Plaintiff,

v.

J. A. YATES, et al.,

Defendants.

CASE NO. 1:09-cv-00730-LJO-SKO PC

ORDER DENYING MOTION FOR ISSUANCE  
OF SUBPOENA TO PRODUCE CENTRAL  
FILE AND FOR APPOINTMENT OF  
ARBITRATOR OR INTERPRETER

(Doc. 114)

Plaintiff Jimmy McDonald, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on April 24, 2009. This action for damages is proceeding against Defendants Cano, Clark, Rodriguez, and Roberts for acting with deliberate indifference to a substantial risk of harm to Plaintiff's health and/or safety, in violation of the Eighth Amendment of the United States Constitution.

A telephonic trial confirmation hearing is currently scheduled for May 17, 2013, a settlement conference is scheduled for June 12, 2013, and jury trial is scheduled for June 25, 2013. On March 8, 2013, Plaintiff filed a motion seeking the issuance of a subpoena to produce his central file and for the appointment of an arbitrator or an interpreter. Defendants filed an opposition on March 29, 2013, and Plaintiff filed a reply on April 22, 2013.

As Plaintiff has been informed on multiple occasions, the discovery phase of this litigation is closed. Therefore, his motion for the issuance of a subpoenas duces tecum commanding the production of his central file is denied as untimely. (Docs. 53, 59, 80, 93, 103.) Furthermore, Plaintiff's trial exhibits are limited to those identified in his pretrial statement. Fed. R. Civ. P. 16(e); Local Rule 281(b)(11).

1 With respect to an arbitrator or an interpreter, Plaintiff has made no showing that he has a  
2 need for either. Irrespective of that deficiency, the in forma pauperis statute does not authorize the  
3 expenditure of funds for an arbitrator or an interpreter and Plaintiff's motion is denied. 28 U.S.C.  
4 § 1915; *Tedder v. Odel*, 890 F.2d 210, 211-12 (9th Cir. 1989).

5 Based on the foregoing, Plaintiff's motion seeking the issuance of a subpoena to produce his  
6 central file and for the appointment of an arbitrator or an interpreter, filed on March 8, 2013, is  
7 HEREBY DENIED.

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10 IT IS SO ORDERED.

11 **Dated: April 25, 2013**

**/s/ Lawrence J. O'Neill**  
UNITED STATES DISTRICT JUDGE