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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PERRY ROBERT AVILA,

CASE NO. 1:09-cv-00918-LJO-SKO PC

Plaintiff,

ORDER DIRECTING PERSONAL SERVICE
OF SUBPOENAS DUCES TECUM BY
UNITED STATES MARSHALS SERVICE
WITHOUT PREPAYMENT OF COSTS

v.

MATTHEW CATE, et al.,

(Docs. 35 and 37)

Defendants.

Plaintiff Perry Robert Avila, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 26, 2009. On October 18, 2011, the Court issued an order denying Plaintiff’s motion to compel, but authorizing the issuance of subpoenas duces tecum. Fed. R. Civ. P. 4, 45; 28 U.S.C. § 1915(d).

The requisite notice having been issued pursuant to Federal Rule of Civil Procedure 45(b)(1), it is HEREBY ORDERED that:

1. The Clerk of the Court shall forward the following documents to the USM:

a. Two (2) completed and issued subpoenas duces tecum to be served on:

**California Department of Corrections and Rehabilitation,
Office of the Secretary
1515 S. St.
Sacramento, CA 95814**

**Custodian of Records,
California Correctional Institution
24900 Highway 202
Tehachapi, CA 93561**

b. Two (2) completed USM-285 forms; and

1 c. Three (3) copies of this order, one to accompany each subpoena and one for the
2 USM;

3 2. Within **twenty (20) days** from the date of this order, the USM is DIRECTED to serve
4 the subpoena in accordance with the provisions of Rule 45 of the Federal Rules of Civil
5 Procedure;

6 3. The USM SHALL effect **personal service** of the subpoenas duces tecum, along with a
7 copy of this order, upon the entities or individuals named in the subpoenas pursuant to
8 Rule 45 of the Federal Rules of Civil Procedure and 28 U.S.C. § 566(c); and

9 4. Within **ten (10) days** after personal service is effected, the USM SHALL file the returns
10 of service, along with the costs subsequently incurred in effecting service. Said costs
11 shall be enumerated on the USM-285 forms.

12
13 IT IS SO ORDERED.

14 **Dated:** November 28, 2011

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE