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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM SUTHERLAND,

1:09-cv-02152-LJO-GSA-PC

Plaintiff,

ORDER DENYING PLAINTIFF'S THIRD
REQUEST FOR SUBPOENAS
(Doc. 34.)

v.

JAMES A. YATES, et al.,

Defendants.

_____/

William Sutherland (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on December 11, 2009. (Doc. 1.) This case now proceeds on Plaintiff’s First Amended Complaint, filed on December 6, 2010, against defendants Correctional Officer (“C/O”) A. Fernando, C/O M. Jericoff, and Warden James Yates, for failure to protect Plaintiff, and on Plaintiff’s related state tort claims.¹ (Doc. 15.)

On March 22, 2012, Plaintiff filed a third request for the court to provide him with blank subpoenas. (Doc. 34.) Plaintiff filed two prior requests on September 26, 2011 and February 15, 2012. (Docs. 29, 31.) In the court's order of February 16, 2012, which denied Plaintiff's second request for subpoenas, Plaintiff was given leave to renew the request by filing a motion that (1)

¹On June 16, 2011, the Court dismissed all other claims and defendants from this action, based on Plaintiff’s failure to state a claim under § 1983. (Doc. 20.)

1 identifies with specificity the documents sought and from whom, and (2) makes a showing in the
2 motion that the records are only obtainable through that third party. (Doc. 32.) In filing his third
3 request, Plaintiff has not complied with the court's order. Plaintiff fails to identify with specificity
4 the documents sought and from whom, and fails to make a showing that the records are only
5 obtainable through that third party. Therefore, Plaintiff's request shall be denied.

6 For the reasons set forth above, IT IS HEREBY ORDERED that Plaintiff's request for the
7 issuance of subpoenas, filed on March 22, 2012, is DENIED.

8
9 IT IS SO ORDERED.

10 **Dated: March 26, 2012**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE