

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
9

10 LEONARD RANSOM, JR.,

11 Plaintiff,

12 vs.

13 DANIEL GONZALEZ, et al.,

14 Defendants.
15

1:10-cv-00397-AWI-GSA-PC

ORDER DENYING REQUEST FOR
ISSUANCE OF SUBPOENAS
(Doc. 87.)

16 Leonard Ransom, Jr. (“Plaintiff”) is a state prisoner proceeding pro se and in forma
17 pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on
18 March 8, 2010. (Doc. 1.) This case now proceeds on the initial Complaint, against defendants
19 C/O M. Amador, C/O Daniel Nava, C/O R. Marquez, and C/O Ralph Nunez for use of
20 excessive force; and against defendants C/O Daniel Nava, C/O R. Marquez, Sgt. J. Ybarra, and
21 Lt. Carlos Sandoval for failure to protect Plaintiff.¹

22 On August 9, 2011, Plaintiff filed a request for issuance of twelve blank subpoenas, “to
23 command attendance at the upcoming trial, and to request the Court issue duces tecum and
24 inspection of tangible things.” (Doc. 87 at 1.)
25

26 ¹ On August 8, 2012, the Court dismissed Plaintiff’s claim regarding his disciplinary process from this
27 action for failure to state a claim. (Doc. 17.) The Court also dismissed defendants Daniel Gonzalez and Sergeant
28 Ybarra from this action, based on Plaintiff’s failure to state any claims against them. Id. The Court also dismissed
defendants Saul Ochoa, Harold Tyson, Eric Lunsford, Daniel Gonzalez, and Gina Marquez, without prejudice, on
Plaintiff’s motion. Id. On October 3, 2012, defendant Sergeant Ybarra was reinstated as a defendant, under Fed.
R. Civ. P. 60. (Doc. 22.)

1 With respect to Plaintiff's request for subpoenas to command attendance of witnesses at
2 trial, Plaintiff's request is premature. Trial has not yet been scheduled for this action. When it
3 is time for trial, the court will issue an order with instructions for bringing witnesses to trial.

4 With respect to Plaintiff's request for subpoenas duces tecum and inspection of tangible
5 things, Plaintiff's request is untimely. The discovery phase for this case closed on September
6 9, 2014 and has not been extended.

7 Therefore, for the reasons set forth above, Plaintiff's request for the issuance of
8 subpoenas is HEREBY DENIED.

9
10 IT IS SO ORDERED.

11 Dated: September 22, 2014

/s/ Gary S. Austin
12 UNITED STATES MAGISTRATE JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28