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6	UNITED STATES DISTRICT COURT	
7	EASTERN DISTRICT OF CALIFORNIA	
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9	SAMUEL KENNETH PORTER,	Case No. 1:10-cv-01811-AWI-DLB PC
10	Plaintiff,	ORDER DENYING PLAINTIFF'S MOTIONS FOR SUBPOENA (ECF Nos. 91,
11	v.	95)
12	CAPTAIN JENNINGS, et al.,	ORDER DENYING PLAINTIFF'S MOTION TO MODIFY SUBPOENA (ECF
13	Defendants.	No. 93)
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16	I. <u>Background</u>	
17	Plaintiff Samuel Kenneth Porter ("Plaintiff") is a prisoner in the custody of the California	
18	Department of Corrections and Rehabilitation ("CDCR"). Plaintiff is proceeding pro se and in	
19	forma pauperis in this civil action pursuant to 42 U.S.C. § 1983. This action is proceeding on	
20	Plaintiff's First Amended Complaint against Defendants Jennings, Lowe, and Darlene for failure to	
21	protect in violation of the Eighth Amendment. Pending before the Court are: 1) Plaintiff's motion	
22	for service of subpoena, filed September 26, 2012; 2) Plaintiff's motion to modify a subpoena, filed	
23	October 1, 2012; and 3) Plaintiff's motion for service of subpoena, filed October 5, 2012. ECF Nos.	
24	91, 93, 95. The matter is submitted pursuant to Local Rule 230(1).	
25	II. <u>September 26, 2012 Motion</u>	
26	Plaintiff moves for the Court to process a subpoena duces tecum on the California State	
27	Assembly, seeking the production of the Corcoran State Prison Hearings. This request was	

28 previously adjudicated on September 21, 2012, when the Court denied service of the subpoena duces

1 tecum. Plaintiff now contends that the Corcoran State Prison hearings documents will demonstrate 2 that guards at Corcoran State Prison had a habit of covering up inmate rapes. Plaintiff also requests 3 documents related to an investigation by Mike Wallace of 60 Minutes. Again, the Court does not 4 find that Plaintiff's requests are reasonably calculated to lead to the discovery of admissible 5 evidence. Fed. R. Civ. P. 26(b)(1). Plaintiff fails to provide any explanation as to how the Corcoran 6 State Prison hearings from 1998, or Mike Wallace's investigation, have any bearing on the outcome 7 of this action. Accordingly, Plaintiff's motion will be denied.

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III. October 1, 2012 Motion

Plaintiff moves to clarify a subpoena duces tecum which the Court ordered served on Calipatria State Prison. Plaintiff seeks to modify the subpoend duces tecum to include the 11 audio/visual recordings of interviews conducted by the investigating officer regarding Plaintiff's 12 crime/incident report complaint. The subpoena duces tecum specifically listed audio/visual 13 recordings related to crime/incident report CAL-FDP-09-07-0349. Thus, Plaintiff's motion is denied as moot. 14

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IV. October 5, 2012 Motion

16 Plaintiff moves for service of subpoend duces tecum on the Custodian of Records for CDCR 17 regarding Stuart J. Ryan being fired because of Plaintiff's citizen investigation of his failure to allow 18 Muslim prisoners to pray on rugs. Plaintiff contacted the United States and California Department 19 of Justice. Plaintiff contends that his actions a direct result of motive by Defendants to allow his 20 alleged rape. Plaintiff also seeks information regarding former correctional officer Poindexter, a correctional officer familiar with the use of "rape enforcers" and the culture of Corcoran State 21 22 Prison.

23 The Court does not find that Plaintiff's requests are reasonably calculated to lead to the 24 discovery of admissible evidence. Fed. R. Civ. P. 26(b)(1). Plaintiff fails to identify what 25 information he seeks. Plaintiff's contentions regarding past issues at Corcoran State Prison fails to relate to conduct by Defendants in this action.¹ Accordingly, the Court will deny Plaintiff's motion. 26

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¹ Plaintiff also complains that Shannon Hewitt, representing non-party CDCR with regards to Plaintiff's discovery requests, is not disclosing the identities of responsible parties at Corcoran State Prison. Plaintiff provides no 28 explanation.

1	V. <u>Conclusion and Order</u>	
2	Based on the foregoing, it is HEREBY ORDERED that:	
3	1. Plaintiff's motion for service of subpoena duces tecum, filed September 26, 2012 and	
4	October 5, 2012, are denied; and	
5	2. Plaintiff's motion to modify the subpoena duces tecum, filed October 1, 2012, is denied as	
6	moot.	
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9	IT IS SO ORDERED.	
10	Dated: November 26, 2012 /s/ Dennis L. Beck	
11	UNITED STATES MAGISTRATE JUDGE	
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