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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SAMUEL KENNETH PORTER,

Plaintiff,

v.

CAPTAIN JENNINGS, et al.,

Defendants.

CASE NO. 1:10-cv-01811-AWI-DLB PC

ORDER DIRECTING SERVICE OF
SUBPOENA DUCES TECUM BY UNITED
STATES MARSHAL WITHOUT
PREPAYMENT OF COST

Plaintiff Samuel Kenneth Porter (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s complaint, filed April 14, 2011, against Defendants Jennings, Lowe, and Darlene Austin for violation of the Eighth Amendment. On April 26, 2012, the Court issued an order granting Plaintiff’s motions for the issuance of a subpoena duces tecum and providing notice to the parties that the Court intended after ten days to issue the subpoenas and direct the United States Marshal to effect personal service. Fed. R. Civ. P. 45; 28 U.S.C. § 1915(d).

Accordingly, it is HEREBY ORDERED that:

1. The Clerk of Court shall forward the following documents to the United States Marshals Service:

A. One (1) completed and issued subpoena duces tecum to be served on:

**Custodian of Records
California State Prison at Corcoran
4001 King Avenue
Corcoran, CA 93212**

1 The Custodian of Records for California State Prison at Corcoran (“CSP-Cor”) is directed
2 to produce the following to Plaintiff within thirty (30) days from the date of service of the
3 subpoena:

4 (1) All training and instruction manuals given to employees at Corcoran State Prison
5 in 2008, who were employed as facility captains, secretaries, or correctional
6 officers for 3A Yard, related to prevention, detection, response, and investigation
of offender sexual assault, pursuant to Department Operations Manual section
54040.4.

7 (2) A copy of all supplemental, confidential, or other reports related to crime incident
8 report # CAL-FDP-09-07-0349 and a copy of all audio and videotapes concerning
9 crime incident report # CAL-FDP-09-07-0349, regarding the alleged incident at
Corcoran State Prison in 2008.

10 B. One (1) completed USM-285 form; and

11 C. Two (2) copies of this order, one to accompany the subpoena, and one for the
12 United States Marshals Service.

13 2. Within **twenty (20) days** from the date of this order, the Marshals Service is directed to
14 serve the subpoena in accordance with the provisions of Rule 45 of the Federal Rules of
15 Civil Procedure.

16 3. The Marshals Service is directed to retain a copy of the subpoena in its file for future use.

17 4. The Marshals Service shall effect personal service of the subpoena duces tecum, along
18 with a copy of this order, upon the entity in the subpoena pursuant to Rule 45 of the
19 Federal Rules of Civil Procedure and 28 U.S.C. § 566(c).

20 5. Within **ten (10) days** after personal service is effected, the Marshals Service shall file the
21 return of service, along with the costs subsequently incurred in effecting service. Said
22 Costs shall be enumerated on the USM-285 form.

23 IT IS SO ORDERED.

24 **Dated: June 8, 2012**

/s/ Dennis L. Beck
25 UNITED STATES MAGISTRATE JUDGE