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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

CARLOS VILLEGAS,  
Plaintiff,  
v.  
MATHEW CATE, et al.,  
Defendants.

Case No. 1:10-cv-01917-AWI-SKO PC  
ORDER DENYING MOTION FOR  
ISSUANCE OF SUBPOENA  
(Doc. 31)

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Plaintiff Carlos Villegas, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on October 14, 2010. This action is proceeding on Plaintiff's amended complaint against Defendant Neubarth for acting with deliberate indifference to Plaintiff's serious medical needs, in violation of the Eighth Amendment of the United States Constitution.

On August 12, 2013, Plaintiff filed a motion seeking the issuance of a subpoena for service of process on Defendant Neubarth.

The United States Marshal was directed to initiate service of the summons and amended complaint on December 6, 2012, and the Marshal was provided with a subpoena at that time. At this juncture, the Marshal is still attempting to execute service of process on Defendant Neubarth at Coalinga State Hospital, where he is currently employed. If further information is needed from Plaintiff, he will be notified via order. The Court and the Marshal have a duty to ensure process is

1 served on Plaintiff's behalf, and Plaintiff may be assured that the Court is aware service is still  
2 outstanding in this case.<sup>1</sup> 28 U.S.C. § 1915(d); Fed. R. Civ. P. 4(c)(3).

3 Based on the foregoing, Plaintiff's motion for the issuance of a subpoena is HEREBY  
4 DENIED.

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6 IT IS SO ORDERED.

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8 Dated: August 16, 2013

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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28 <sup>1</sup> Because Plaintiff is not responsible for serving Defendant Neubarth himself, he does not need to be concerned about the 120-day time limit set forth in Fed. R. Civ. P. 4(m).