

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KEVIN DARNELL BRYANT,) Case No. 1:11-cv-00446-LJO-BAM PC
Plaintiff,	ORDER PROVIDING MERCY HOSPITAL WITH THE OPPORTUNITY TO SHOW
vs.) CAUSE REGARDING COMPLIANCE) WITH SUBPOENA DUCES TECUM
P. GALLAGHER, et al.,))
Defendants.)
)

Plaintiff Kevin Darnell Bryant ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff's first amended complaint, filed on July 5, 2011, against Defendant Romero for deliberate indifference to serious medical needs in violation of the Eighth Amendment; and against Defendants Gallagher and Romero for conspiracy, retaliation in violation of the Eighth Amendment and failure to protect in violation of the Eighth Amendment.

On July 8, 2013, the Court ordered the United States Marshals Service to serve a subpoena duces tecum on CHW Central California Mercy Hospital for the production of Plaintiff's medical records by August 23, 2013. (ECF No. 110.) On October 31, 2013, the United States Marshals Service returned proof demonstrating service of the subpoena duces tecum on August 12, 2013. (ECF No. 119.)

On February 28, 2014, Plaintiff filed a motion to compel the production of documents subpoenaed from CHW Central California Mercy Hospital. Plaintiff claims that he has not received a response from CHW Central California Mercy Hospital and requests an order compelling compliance and the imposition of sanctions. (ECF No. 127.)

Pursuant to Federal Rule of Civil Procedure 45, the Court shall provide CHW Central California Mercy Hospital with the opportunity to show cause why it should not be held in contempt for failure to obey the subpoena. Fed. R. Civ. P. 45(e). CHW Central California Mercy Hospital may comply with this order by demonstrating compliance with the subpoena duces tecum and by filing proof of such compliance with this Court. Accordingly, IT IS HEREBY ORDERED that:

- CHW Central California Mercy Hospital may, within thirty (30) days from the date
 of this order, show cause why it should not be held in contempt for failure to obey the
 subpoena duces tecum;
- 2. If CHW Central California Mercy Hospital fails to respond to this order or responds but fail to show good cause, it may be held in contempt; and
- 3. The Clerk of the Court is directed to mail a copy of this order to CHW Central California Mercy Hospital at 2215 Truxtun Avenue, Bakersfield, CA 93301.

IT IS SO ORDERED.

Dated: May 23, 2014

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE