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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

KEVIN DARNELL BRYANT,

CASE NO. 1:11-cv-00446-BAM PC

Plaintiff,

ORDER DENYING PLAINTIFF'S MOTION FOR  
SUBPOENAS

v.

(ECF No. 51)

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 pursuant to 42 U.S.C. § 1983. This action is proceeding on the first amended complaint, filed July 5, 2011, against Defendant Romero for deliberate indifference in violation of the Eighth Amendment, and Defendants Gallagher and Romero for conspiracy, retaliation in violation of the First Amendment, and failure to protect in violation of the Eighth Amendment. Discovery opened on February 22, 2012. On February 27, 2012, Plaintiff filed a motion for two subpoenas for the attendance of witnesses.

At this juncture in the proceedings no hearing has been set that requires the attendance of witnesses. Should a hearing be set that required witnesses Plaintiff will be notified of the procedure to obtain the attendance of witnesses.

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Accordingly, Plaintiff's motion for subpoenas, filed February 27, 2012, is HEREBY DENIED.

IT IS SO ORDERED.

Dated: February 29, 2012

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE