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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSEPH A. BROWN,
Plaintiff,
vs.
UNITED STATES OF AMERICA, et al.,
Defendants.

1:12-cv-00165-AWI-GSA-PC
ORDER DENYING REQUEST FOR
SUBPOENA, WITHOUT PREJUDICE
(Doc. 57.)

Joseph A. Brown ("Plaintiff") is a federal prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to Bivens vs. Six Unknown Agents, 403 U.S. 388 (1971). Plaintiff filed this case on February 6, 2012. (Doc. 1.) On March 3, 2014, Plaintiff filed the Fifth Amended Complaint, which awaits the requisite screening by the court. (Doc. 55.)

On April 10, 2014, Plaintiff filed a request for the court to send him a subpoena form. (Doc. 57.) Discovery is not yet open in this action. Plaintiff is advised that the court will issue a scheduling order setting a schedule for discovery after one of the defendants has filed an Answer to the complaint. At this stage of the proceedings, the defendants have not been served with process, and no defendant has appeared in this action. Therefore, it is not time for discovery in this action, and Plaintiff's request for a subpoena form shall be denied, without prejudice to renewal of the motion at a later stage of the proceedings.

1 For the reasons set forth above, IT IS HEREBY ORDERED that Plaintiff's request for
2 the court to send him a subpoena form, filed on April 10, 2014, is DENIED without prejudice.

3
4 IT IS SO ORDERED.

5 Dated: April 11, 2014

/s/ Gary S. Austin
6 UNITED STATES MAGISTRATE JUDGE