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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD CHARLES HANNA,

Plaintiff,

v.

MARIPOSA COUNTY SHERIFF DEPT.
et al.,

Defendants.

Case No. 1:12-cv-00501-AWI-SAB

ORDER GRANTING PLAINTIFF’S MOTION
FOR ISSUANCE OF A SUBPOENA DUCES
TECUM

(ECF No. 42, 45)

Plaintiff Richard Charles Hanna is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Default has been entered against Defendants Mariposa County Sheriff Department, and Deputies Boehm, King, Remeriz, and Rumfelt. (ECF No. 39.) On September 30, 2013, Plaintiff filed a motion for a subpoena duces tecum to receive a copy of the video of the incident which occurred in the booking area of the Mariposa County Jail on April 8, 2011. Plaintiff requested that the video be sent to a third party for his use in moving for default judgment against the defendants in this action. (ECF No. 42.)

On October 1, 2013, an order issued directing Plaintiff to provide the Court with a declaration from the designated individual stating that they are willing to accept and be responsible for the evidence. (ECF No. 44.) On October 15, 2013, a declaration of Renee Ritter was filed stating that she would receive and hold the copy of the video for Plaintiff and release it

1 to him upon his release from custody. (ECF No. 45.) The Court shall grant Plaintiff's motion for
2 a subpoena duces tecum and his request that the video be sent to Renee Ritter, P.O. Box 2256,
3 Mariposa, CA 95338.

4 Pursuant to Federal Rule of Civil Procedure 45(b)(1), this order serves as notice to the
5 parties that the United States Marshal will be directed to initiate service of the subpoena
6 following the passage of fifteen days from the date of service of this order.¹

7 Accordingly, based on the foregoing, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff's request for a subpoena duces tecum as set forth in the motion, filed
9 September 30, 2013, is GRANTED;
- 10 2. The issuance of a subpoena duces tecum directing the custodian of records for the
11 Mariposa County Jail to produce a tangible item is authorized; and
- 12 3. Pursuant to Rule 45(b)(1), the parties are placed on notice that the subpoenas
13 duces tecum will be issued **fifteen (15) days** from the date of service of this order.

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15 IT IS SO ORDERED.

16 Dated: October 16, 2013

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19 UNITED STATES MAGISTRATE JUDGE

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28 ¹ The Court will prepare the subpoenas and USM-285 forms.