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Plaintiff is seeking to conduct discovery on the merits of his claims in this action by subpoena duces tecum. Once default has been entered, the factual allegations in the complaint are taken as true, but the allegation regarding the amount of damages must be proven. See Fed R. Civ. P. 55(b)(2); Garamendi v. Henin, 683 F.3d 1069, 1080 (9th Cir. 2012). Since default has been entered against the defendants in this action, the only issue, assuming that this action is not dismissed on the basis of res judicata, is Plaintiff's damages. Because Plaintiff is seeking to conduct discovery on the merits of his claims, Plaintiff's motion for a subpoena duces tecum is **HEREBY DENIED.**

IT IS SO ORDERED.

Dated: November 15, 2013


UNITED STATES MAGISTRATE JUDGE