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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
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10 ROBERTO M. GARCIA, JR.,

11 Plaintiff,

12 vs.

13 MATTHEW M. JUAREZ, JR.,

14 Defendant.
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1:12-cv-00750-AWI-EPG (PC)

ORDER DIRECTING SERVICE OF
SUBPOENA DUCES TECUM UPON
CDCR BY THE UNITED STATES
MARSHAL WITHOUT PREPAYMENT
OF COSTS

16 This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Plaintiff Roberto M.
17 Garcia, Jr., a state prisoner proceeding *pro se* and *in forma pauperis*. On December 8, 2015,
18 the Court issued an order granting Plaintiff's motion for the issuance of a subpoena upon the
19 California Department of Corrections and Rehabilitation (CDCR) and providing the requisite
20 notice to the parties that the Court intended, after fifteen days, to issue the subpoena and direct
21 the United States Marshals Service to effect personal service. Fed. R. Civ. P. 4, 45; 28 U.S.C.
22 § 1915(d). (ECF No. 56.)

23 Accordingly, it is HEREBY ORDERED that:

24 1. The Clerk of the Court shall forward the following documents to the United
25 States Marshals Service:

26 a. One (1) completed and issued subpoena duces tecum to be served on:

27 **California Department Of Corrections and Rehabilitation**
28 **1515 S Street**
Sacramento, CA 95811

- b. One (1) completed USM-285 form; and
- c. Two (2) copies of this order, one to accompany the subpoena and one for the Marshals Service.

2 Within **TWENTY (20) DAYS** from the date of this order, the Marshals Service is **DIRECTED** to serve the subpoena in accordance with the provisions of Rule 45 of the Federal Rules of Civil Procedure.

3. The Marshals Service is **DIRECTED** to retain a copy of the subpoena in its file for future use.

4. The Marshals Service **SHALL** effect **personal service** of the subpoena, along with a copy of this order, upon the entity named in the subpoena pursuant to Rule 45 of the Federal Rules of Civil Procedure and 28 U.S.C. § 566(c).

5. Within **TEN (10) DAYS** after personal service is effected, the Marshals Service **SHALL** file the return of service, along with the costs subsequently incurred in effecting service. Said costs shall be enumerated on the USM-285 form.

IT IS SO ORDERED.

Dated: January 13, 2016

/s/ Eric P. Groj
UNITED STATES MAGISTRATE JUDGE