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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

RICHARD CHARLES HANNA,  
Plaintiff,  
v.  
COUNTY OF MARIPOSA, et al.,  
Defendants.

Case No. 1:12-cv-01885-AWI-SAB  
ORDER ADDRESSING PLAINTIFF’S MOTION  
FOR SUBPOENAS  
(ECF No. 39)

On January 13, 2014, an evidentiary hearing was set in this action to decide if the judgment should be set aside. On March 10, 2014, Plaintiff filed a witness list, exhibit list, and motion for subpoenas for witnesses to appear at the hearing. The Court did not receive the documents prior to the hearing. The hearing took place on March 13, 2014. Plaintiff did not raise the issue of the request for subpoenas or that the witness were not present at the hearing.

Plaintiff had requested that subpoenas issue for Steven W. Dahlem, Mariposa County Counsel, and Douglas Binnewies, the Sheriff of Mariposa County, to appear for the evidentiary hearing. The limited purpose of the March 13, 2014 hearing was to determine if the settlement entered into by the parties should be set aside based on Plaintiff’s allegations that he was not aware of the pendency of this action and did not agree to settle the case.

Plaintiff’s request sought subpoenas for witnesses that did not have knowledge of the facts at issue during this hearing. Accordingly, even had the Court received the documents prior to the

1 hearing, Plaintiff's request for subpoenas would be denied as the witnesses were not relevant to  
2 the issues to be addressed during the evidentiary hearing. Further, because the witnesses did not  
3 possess information that was relevant to Plaintiff's knowledge that this case had been filed or his  
4 agreement to enter into a settlement, Plaintiff was not prejudiced by the witnesses not being  
5 present at the hearing.

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IT IS SO ORDERED.

Dated: April 8, 2014



UNITED STATES MAGISTRATE JUDGE