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

KEVIN D. BRYANT,	)	Case No.: 1:12-cv-02074 DAD DLB PC
	)	
Plaintiff,	)	ORDER REGARDING PLAINTIFF’S MOTION
v.	)	COMPELLING DISCLOSURE OF DISCOVERY
	)	[ECF No. 109]
R. ROMERO, et al.,	)	
	)	ORDER DIRECTING PERSONAL SERVICE OF
Defendants.	)	SUBPOENAS DUCES TECUM WITHIN SEVEN
	)	DAYS BY UNITED STATES MARSHAL
	)	WITHOUT PREPAYMENT OF COSTS
	)	[ECF No. 95]

Plaintiff Kevin D. Bryant (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 28 U.S.C. § 1983. This action is proceeding against Defendants Waddle and Castellanos for violating Plaintiff’s First Amendment rights by retaliating against him.

On March 29, 2016, the Court issued an order authorizing the issuance of a subpoena duces tecum directed Christian Pfeiffer, Warden of Kern Valley State Prison. Fed. R. Civ. P. 4, 45; 28 U.S.C. § 1915(d). On April 21, 2016, Plaintiff filed objections and motion for reconsideration of the Court’s order. On June 3, 2016, the Court granted reconsideration in part and authorized the issuance of additional subpoenas duces tecum directed to Christian Pfeiffer. On June 27, 2016, the Court directed personal service of the subpoenas duces tecum, however, the initial March 29, 2016, subpoena duces tecum was not included.

1 On July 11, 2016, Plaintiff filed the instant motion for an order compelling the discovery  
2 ordered by the Court in the March 29, 2016, order. Plaintiff complains that Christian Pfeiffer has  
3 failed to respond to the subpoena duces tecum. However, the subpoenas duces tecum have not yet  
4 been served on Warden Christian Pfeiffer. Thus, he was not obligated to produce the documents.

5 The requisite notice having been issued pursuant to Federal Rule of Civil Procedure 45(a)(4), it  
6 is HEREBY ORDERED that:

7 1. The Clerk of the Court shall forward the following documents to the United States  
8 Marshal (USM):

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

10 Christian Pfeiffer  
11 Warden of Kern Valley State Prison  
12 3000 West Cecil Avenue  
13 Delano, CA 93216

14 b. One (1) completed USM-285 form; and

15 c. Two (2) copies of this order, one to accompany the subpoena and one for the  
16 USM;

17 2. Within seven (7) calendar days from the date of this order, the USM is DIRECTED to  
18 serve the subpoenas in accordance with the provisions of Rule 45 of the Federal Rules of Civil  
19 Procedure;

20 3. The USM SHALL effect personal service of the subpoena duces tecum, along with a  
21 copy of this order, upon the individual/entity named in the subpoena pursuant to Rule 45 of the  
22 Federal Rules of Civil Procedure and 28 U.S.C. § 566(c); and

23 4. Within ten (10) days after personal service is effected, the USM SHALL file the returns  
24 of service, along with the costs subsequently incurred in effecting service, and said costs shall be  
25 enumerated on the USM-285 form.

26 IT IS SO ORDERED.

27 Dated: July 29, 2016

28 /s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE

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**Attachment 1**

**You are commanded to produce and permit inspection and copying of the following documents, including but not limited to documents which are retained in paper, electronically stored, preserved in microfiche, etc.**

**No. 1:** Produce any and all records, reports, and recorded interviews of internal investigations conducted by the CDCR, including but not limited to OIA and ISU investigations, concerning Plaintiff's allegations of staff misconduct of Defendants Constance Waddle and E. Castellanos, to the extent they exist and have not already been provided to Plaintiff in discovery.