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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL KLEIN,  
Plaintiff,  
vs.  
DR. CONANAN,  
Defendant.

1:13-cv-00600-GSA-PC  
ORDER DENYING REQUEST FOR  
SUBPOENAS  
(Doc. 41.)

Michael Klein ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds on the original Complaint filed by Plaintiff on April 25, 2013, against defendant Dr. Conanán for failure to provide adequate medical care in violation of the Eighth Amendment. (Doc. 1.)

On October 8, 2014, the court issued a Scheduling Order setting out pretrial deadlines in this action, including a deadline of June 8, 2015, for the completion of discovery, including the filing of motions to compel. (Doc. 28.) Thus, this case is now in the discovery phase.

On January 28, 2015, Plaintiff filed a request for ten certified subpoenas, to be served on medical staff for possible statements from staff witnesses. (Doc. 41.) The court construes this as a request for the issuance of subpoenas compelling witnesses to appear at trial. Plaintiff's request is premature, because trial has not been scheduled for this action. Therefore,

1 Plaintiff's request shall be denied. When trial is scheduled, Plaintiff shall be provided with  
2 instructions for requesting the appearance of witnesses.

3 For the reasons set forth above, IT IS HEREBY ORDERED that Plaintiff's request for  
4 subpoenas, filed on January 28, 2015, is DENIED.

5  
6 IT IS SO ORDERED.

7 Dated: January 29, 2015

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE