

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

DAVID ESTRADA,
Plaintiff,
v.
TASSEY, et al.,
Defendants.) Case No.: 1:13cv00919 DLB (PC)
)
) ORDER DENYING PLAINTIFF'S
) MOTIONS FOR ISSUANCE OF
) SUBPOENAS DUCES TECUM
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) (Documents 170 and 172)
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Plaintiff David Estrada (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action. Plaintiff filed his First Amended Complaint on August 7, 2013. Pursuant to the Court’s screening order and Plaintiff’s notice of willingness to proceed on the cognizable claims, this action is proceeding against (1) Defendants Gipson and Espinosa for retaliation in violation of the First Amendment; and (2) Defendants Gipson, Espinosa, Lambert and Cavazos for violation of the Eighth Amendment.

Pursuant to the July 17, 2014, Discovery and Scheduling Order, discovery closed on December 15, 2014.

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1 Plaintiff has filed numerous untimely requests for subpoenas duces tecum. On February 13,
2 2014, he filed a request for a subpoena duces tecum to Sgt. John Amaya seeking a wide variety of
3 information. As has been repeatedly explained to Plaintiff, this request is untimely because discovery
4 closed on December 15, 2014.

5 On February 19, 2015, Plaintiff requested a subpoena duces tecum to Public Safety Officer
6 Steve Mainrath. For the first time, Plaintiff acknowledges that discovery ended on December 15,
7 2014. However, he cites his “several” pending motions to compel and states that he received a
8 declaration from his mother, Betty Estrada, on February 9, 2015. There are no pending motions to
9 compel before the Court, and the fact that Plaintiff may have just received a declaration from his
10 mother does not justify this late request.

11 Accordingly, his requests are DENIED.

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13 IT IS SO ORDERED.

14 Dated: February 22, 2015

15 /s/ Dennis L. Beck
16 UNITED STATES MAGISTRATE JUDGE
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