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

DAVID ESTRADA,)	Case No.: 1:13cv00919 DLB (PC)
)	
Plaintiff,)	ORDER DENYING PLAINTIFF’S
)	MOTION FOR ISSUANCE OF
v.)	SUBPOENAS DUCES TECUM
)	
TASSEY, et al.,)	(Document 168)
)	
Defendants.)	
)	
)	

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.

On February 17, 2015, Plaintiff filed a request for a subpoena duces tecum to Eddie Hernandez, Litigation Coordinator at the Office of Correctional Safety for CDCR. In support of his

1 request, Plaintiff explains that he recently received Defendants' supplemental responses to discovery.¹
2 Defendants withheld certain documents and produced a privilege log supported by Mr. Hernandez's
3 declaration.

4 Plaintiff's motion explains why certain withheld documents are relevant and/or not
5 confidential, and he now seeks these and other documents directly from Mr. Hernandez. However, the
6 proper procedure to challenge a claim of privilege is through a motion to compel. Plaintiff cannot
7 circumvent Defendants' objections by requesting the document from the individual supporting the
8 privilege.

9 Accordingly, his motion is DENIED.

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11 IT IS SO ORDERED.

12 Dated: February 22, 2015

13 /s/ Dennis L. Beck
14 UNITED STATES MAGISTRATE JUDGE

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¹ The Court granted in part and denied in part Plaintiff's motion to compel on December 29, 2014. Discovery disputes related to a motion to compel filed prior to the discovery deadline are not subject to the discovery cut-off date.