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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEVEN R. EDWARDS,
Plaintiff,
v.
A. DESFOSSES, et al.,
Defendants.

Case No. 1:13-cv-01013-SAB-PC
ORDER RE OBJECTIONS TO PRETRIAL
ORDER AND DENYING PLAINTIFF'S
REQUEST FOR SUBPOENA
(ECF NOS. 78, 82)

Plaintiff Steven R. Edwards is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. §1983. Pending before the Court are Plaintiff's objections to the pretrial order filed on March 4, 2016, and Plaintiff's request for a subpoena filed on March 9, 2016.

I.

OBJECTIONS TO PRETRIAL ORDER

On March 4, 2016, Plaintiff filed objections to the pretrial order. (ECF No. 78.) Plaintiff objects to the amended pretrial order to the extent that it does not include his exhibits 21 through 24. The Court previously granted Plaintiff leave to amend his pretrial statement, and ordered that Plaintiff's pretrial statement was amended to include his exhibits 21 through 24. (ECF No. 57.) The amended pretrial order reflects Plaintiff's exhibits 1 through 20. On February 29, 2016, Plaintiff timely filed his Exhibit List, including exhibits 1 through 24. The Court considers

1 Plaintiff's Exhibit List to be complete, including exhibits 1 through 24, and will constitute
2 Plaintiff's Exhibit List for trial.

3 **II.**

4 **REQUEST FOR SUBPEONA**

5 On March 9, 2016, Plaintiff filed a "Request for Subpoena or Testimony of Dr. T.
6 Berard." (ECF No. 82.) As noted in the February 24, 2016, amended pretrial order, Plaintiff is
7 required to serve his final witness list no later than March 17, 2016. The amended pretrial order
8 specifically cautioned the parties that only witnesses who are listed in the pretrial order may
9 appear on the final witness list. (ECF No. 67 at 15:26.) Dr. Berard is not listed as a witness by
10 either Plaintiff or Defendants. Plaintiff has not made any argument or showing of manifest
11 injustice as to why this witness should be added at this late date.

12 Further, in the November 12, 2015, trial scheduling order, Plaintiff was directed that, as
13 to any unincarcerated witnesses who refuse to testify voluntarily, Plaintiff must tender witness
14 fees in the form of money orders submitted to the Court no later than February 2, 2016. (ECF
15 No. 45 at 8:23.) Plaintiff has not tendered the witness fees with his motion, or shown good cause
16 for not complying with this deadline.

17 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Request for Subpoena or
18 Testimony of Dr. Berard is DENIED unless Dr. Beard wishes to testify without a subpoena and
19 witness fees.

20 IT IS SO ORDERED.

21 Dated: March 10, 2016

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23 UNITED STATES MAGISTRATE JUDGE