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

EUGENE FORTE,  
  
                                Plaintiff,  
  
          v.  
  
PATTERSON POLICE  
SERVICES/STANISLAUS COUNTY  
SHERIFF’S DEPUTY CHIEF  
TORI HUGES, et al.,  
  
                                Defendants.

Case No. 1:13-cv-01980-LJO-SMS  
  
ORDER DIRECTING PERSONAL SERVICE  
OF SUBPOENA DUCES TECUM WITHIN  
SEVEN DAYS BY UNITED STATES  
MARSHALS SERVICE WITHOUT  
PREPAYMENT OF COSTS  
  
(Doc. 65)

Plaintiff Eugene Forte, proceeding pro se and *in forma pauperis* (IFP), filed this suit alleging violations of his federal constitutional rights under 42 U.S.C. § 1983 and various state law claims. The Court has since dismissed all of the Defendants with the exception of Timothy Schwartz. Docs. 16, 42, 46. This action is therefore proceeding on Plaintiff’s first amended complaint against Schwartz.

On October 20, 2015,<sup>1</sup> the Court issued an order authorizing the issuance of a subpoena duces tecum. Fed. R. Civ. P. 4, 45; 28 U.S.C. § 1915(d). The requisite notice having been issued pursuant to Federal Rule of Civil Procedure 45(a)(4), it is HEREBY ORDERED that:

- 1. The Clerk of the Court shall forward the following documents to the United States

<sup>1</sup> The court signed the order on October 14, 2015, but due to a technical problem with the court computer system, the order could not be docketed and the parties did not receive the order until October 20, 2015.

1 Marshal (USM):

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

3 **Head Safety Officer**  
4 **Doctors Medical Center of Modesto**  
5 **1441 Florida Avenue**  
6 **Modesto, CA 95350;**

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

8 c. Two (2) copies of this order, one to accompany the subpoena and one for the

9 USM;

10 2. Within **seven (7) calendar days** from the date of this order, the USM is DIRECTED  
11 to serve the subpoena in accordance with the provisions of Rule 45 of the Federal Rules of Civil  
12 Procedure;

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

16 4. Within **ten (10) days** after personal service is effected, the USM SHALL file the  
17 return of service, along with the costs subsequently incurred in effecting service, and said costs shall  
18 be enumerated on the USM-285 form.

19 IT IS SO ORDERED.

20 Dated: October 23, 2015

21 /s/ Sandra M. Snyder  
22 UNITED STATES MAGISTRATE JUDGE