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6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**
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9 PERRY WASHINGTON, et al,

10 Plaintiffs,

11 v.

12 FRESNO COUNTY SHERIFF, et al.,

13 Defendants.
14

Case No. 1:14-cv-00129-AWI-SAB

ORDER STRIKING NOTICE OF
ADDRESSES FOR SERVICE AND
DENYING REQUEST FOR DISCOVERY
AND MOTION FOR EXTENSION OF TIME

(ECF Nos. 58, 59, 60)

15 This action is proceeding against an unidentified officer for deliberate indifference and
16 retaliation for a 2014 incident in which the officer allegedly ignored Plaintiff's requests to be moved
17 due to threats from other inmates and Plaintiff was attacked by inmates as retaliation for Plaintiff's
18 request for a grievance form, all other claims and defendants were dismissed from this action.
19 Plaintiff was ordered to provide information for service on the unidentified officer. On February 9,
20 2015, Plaintiff submitted the names of fourteen officers and a motion for a subpoena duces tecum.
21 (ECF No. 58, 59.) On February 11, 2015, Plaintiff filed a motion for a thirty day extension of time.
22 (ECF No. 60.)

23 Plaintiff's notice of addresses for service, naming fourteen officers, is non-responsive and has
24 previously been stricken from the record for this reason. Accordingly, the addresses for service filed
25 February 9, 2015 shall be stricken from the record.

26 Plaintiff also seeks a subpoena duces tecum to obtain documents from the Fresno County
27 Sheriff Department. As Plaintiff was advised in the February 18, 2014 order issued by this Court,
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1 after the mandatory scheduling conference, an order will issue setting the dates to conduct discovery
2 in this action. (ECF No. 7.) No discovery may be conducted until an answer is filed and the Court
3 issues an order opening discovery. Plaintiff's request for discovery is denied as premature.

4 Further, Plaintiff is advised that the Court will only consider granting a request for a
5 subpoena duces tecum if the documents sought from the non-party are discoverable, are not equally
6 available to Plaintiff, and are not obtainable from Defendants through a request for production of
7 documents. Fed. R. Civ. P. 45(c); Fed. R. Civ. P. 34. Plaintiff must attempt to obtain the documents
8 requested through a request for production of documents after discovery is opened prior to requesting
9 involvement of the Court.

10 Finally, Plaintiff requests a thirty day extension of time to obtain more information on
11 service. Plaintiff has provided the name for service and a copy of a page of his grievance form. This
12 is sufficient at this juncture for the Court to order service of process. Plaintiff's request for an
13 extension of time is denied.

14 Based on the foregoing, IT IS HEREBY ORDERED that:

- 15 1. Plaintiff's addresses for service filed February 9, 2015 (ECF No. 58) is STRICKEN
16 FROM THE RECORD;
- 17 2. Plaintiff's motion for consideration filed February 9, 2015 (ECF No. 59) is DENIED;
18 and
- 19 3. Plaintiff's motion for a thirty day extension of time filed February 11, 2015 (ECF No.
20 60) is DENIED.

21 IT IS SO ORDERED.

22 Dated: **February 18, 2015**

23 
24 UNITED STATES MAGISTRATE JUDGE
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