

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GLENN S. MARTINEZ-CASTRO,
Plaintiff,
v.
C/O ELIAS,
Defendant.

Case No. 1:14-cv-01326-BAM-PC
ORDER DENYING PLAINTIFF'S
MOTION FOR THE ISSUANCE OF
SUBPOENAS
(ECF NO. 38)

Plaintiff Martinez-Castro is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court is Plaintiff's motion requesting that the Court send to him USM 285 forms in order for him to subpoena witnesses.

Plaintiff filed his motion on December 8, 2015. On December 1, 2015, an order was entered, directing the U.S. Marshal to serve Defendant with the October 13, 2015, second amended complaint on which this action proceeds. Plaintiff is advised that once Defendant has filed an answer to the second amended complaint, the Court will enter a discovery and scheduling order, setting forth the rules and deadlines for discovery and the filing of a dispositive motion. Should this action proceed beyond the summary judgment stage (whether a denial of summary judgment or failure to file a motion for summary judgment), a further scheduling order

1 will be entered, setting forth the requirements and deadlines for Plaintiff to subpoena his
2 witnesses. Until such time, a request for witness subpoenas is premature.

3 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for the issuance of
4 subpoenas is denied.

5
6 IT IS SO ORDERED.

7 Dated: December 10, 2015

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28