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

ROBERTO R. RECINO,  
Plaintiff,  
v.  
UNKNOWN,  
Defendant.

Case No. 1:15-cv-00362-LJO-BAM (PC)  
**ORDER DIRECTING PERSONAL SERVICE  
OF SUBPOENA DUCES TECUM BY  
UNITED STATES MARSHAL WITHOUT  
PREPAYMENT OF COSTS**  
(ECF No. 46)

Plaintiff Roberto Recino (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s third amended complaint against two unknown correctional officers for failing to intercede as Plaintiff was beaten by other inmates, and for delaying in obtaining medical treatment for him after the beating, in violation of the Eighth Amendment.

On September 13, 2017, the Court issued an order authorizing the issuance of a subpoena duces tecum directing the Warden of California State Prison, Corcoran, to produce any and all medical reports relating to Plaintiff, from April 2004 to August 2004. Fed. R. Civ. P. 4, 45; 28 U.S.C. § 1915(d).

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1 The requisite notice having issued, pursuant to Federal Rule of Civil Procedure 45(a)(4), it  
2 is HEREBY ORDERED that:

- 3 1. The Clerk of the Court shall forward the following documents to the United States  
4 Marshal (USM):

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

6 **Michael Sexton, Acting Warden**  
7 **Corcoran State Prison**  
8 **4001 King Avenue**  
9 **Corcoran, California 93212**

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

11 c. Two (2) copies of this order, one to accompany the subpoena and one for the  
12 USM;

- 13 2. Within **twenty (20) days** from the date of this order, the USM is DIRECTED to serve the  
14 subpoena in accordance with the provisions of Rule 45 of the Federal Rules of Civil  
15 Procedure;

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

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

22 IT IS SO ORDERED.

23 Dated: September 19, 2017

24 /s/ Barbara A. McAuliffe  
25 UNITED STATES MAGISTRATE JUDGE  
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