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8	UNITED STATES DISTRICT COURT		
9	FOR THE EASTERN DISTRICT OF CALIFORNIA		
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11	RAYMOND A. GENTILE,	No. 1:15-cv-00943 DLB PC	
12	Plaintiff,	ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO SERVE THIRD PARTY	
13	V.	SUBPOENA	
14	DOES 1-20, et al.,	(Document 12)	
15	Defendants.	ORDER DIRECTING PERSONAL SERVICE OF SUBPOENAS DUCES TECUM BY	
16		UNITED STATES MARSHALS SERVICE WITHOUT PREPAYMENT OF COSTS	
17			
18	Plaintiff Raymond A. Gentile ("Plaintiff"), a former federal inmate at the Lerdo Pre-Trial		
19	Facility, is proceeding in forma pauperis in this action pursuant to <u>Bivens v. Six Unknown Named</u>		
20	Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), which provides a remedy for		
21	violation of civil rights by federal actors. Plaintiff filed his complaint on June 23, 2015.		
22	On June 16, 2016, Plaintiff filed his Second Amended Complaint. He also filed a motion		
23	for leave to serve third party subpoenas to discovery the identity of the Doe Defendants who		
24	made the medical decisions at issue.		
25	DISCUSSION		
26	Subject to certain requirements, Plaintiff may be entitled to the issuance of a subpoena		
27	commanding the production of documents from a non-party. Fed. R. Civ. P. 45. To obtain such		
28	Plaintiff consented to the jurisdiction of the United States Magistrate Judge on July 10, 2015.		

1 relief, Plaintiff must file a motion requesting the issuance of a subpoena duces tecum that identifies 2 with specificity the documents sought and from whom. 3 Here, Plaintiff has been unable to identify any Defendants. He seeks subpoenas, directed 4 to the United States Marshal's service and Lerdo State Prison, to discover the identifies of the 5 individuals involved in denying his medical decision. 6 The Court finds that subpoenas in this instance are warranted and therefore GRANTS Plaintiff's motion.² 7 8 Accordingly, it is HEREBY ORDERED that: 9 1. The Clerk of the Court shall forward the following documents to the United States 10 Marshal: Two (2) completed and issued subpoenas duces tecum to be served on: 11 a. 12 United States Marshal Service, Custodian of Records 501 I Street, #5600 13 Sacramento, California 95814 14 Lerdo Pre-Trial Facility, Custodian of Records 17695 Industrial Farm Rd. 15 Bakersfield, CA 93308 16 The United States Marshal and Lerdo Pre-Trial shall provide the following b. 17 information: Plaintiff's prison records, including his prison medical 18 records. 19 Two (2) completed USM-285 form; and c. d. 20 Three (3) copies of this order, one to accompany each subpoena and one 21 for the United States Marshal: 22 2. Within twenty (20) days from the date of this order, the United States Marshal is 23 DIRECTED to serve the subpoena in accordance with the provisions of Rule 45 of 24 the Federal Rules of Civil Procedure; 25 3. The United States Marshal effect personal service of the subpoenas duces tecum, 26 along with a copy of this order, upon the entities or individuals named in the 27 ² As there are no named Defendants, the Court need not issue notice pursuant to Federal Rule of Civil Procedure 28

⁴⁵⁽b)(1).

1	sul	opoenas pursuant to Rule	e 45 of the Federal Rules of Civil Proce	edure and 28
2	U.:	S.C. § 566(c); and		
3	4. Wi	thin ten (10) days after j	personal service is effected, the United	States Marshal
4	SH	IALL file the returns of	service, along with the costs subsequen	atly incurred in
5	eff	ecting service. Said cos	ets shall be enumerated on the USM-28	5 forms.
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7	IT IS SO ORDER	.ED.		
8	Dated: Ju	ne 24, 2016	/s/ Dennis L. Bec	_
9			UNITED STATES MAGISTR	ATE JUDGE
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