

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF CALIFORNIA  
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4 HECTOR ALEMAN,  
5 Plaintiff,

6 v.

7 C/O K. ACOSTA., et al.,  
8 Defendants.

Case No. 1:15-cv-01293-LJO-EPG (PC)

ORDER RESERVING RULING ON  
PLAINTIFF'S REQUEST FOR ISSUANCE  
OF A SUBPOENA DUCES TECUM

ORDER DIRECTING RESPONSE FROM  
DEFENDANTS TO REQUEST WITHIN 14  
DAYS

(ECF No. 55)

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10 Hector Aleman ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis*  
11 in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff is proceeding on a failure  
12 to protect claim against Defendants Rentieria, Ledesma, Nuno, Fierros, Montalvo, Acosta, and  
13 Garcia. (ECF No. 15).

14 On October 12, 2017, Plaintiff filed a motion requesting the issuance of a subpoena  
15 *duces tecum*. (ECF No. 55.) Plaintiff asks the Court to subpoena an administrative appeal form  
16 (referred to as a "602" form) dated October 15, 2014 and related to this case from F. Feliciano,  
17 a California Department of Corrections and Rehabilitation ("CDCR") Appeals Coordinator.  
18 According to Plaintiff, the 602 was labeled as a staff complaint for excessive force. Plaintiff  
19 did not receive this document when the Defendants made initial disclosures for this case.  
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21 The Court has reviewed the request and finds that it seeks relevant information within  
22 the scope of Rule 26(b)(1) of the Federal Rules of Civil Procedure. Before the Court grants the  
23 request to issue a subpoena *duces tecum*, the Court requests that defendants review Plaintiff's  
24 request and indicate if (1) they will produce the document, or (2) they have conducted a search  
25 of CDCR records and have been unable to locate such a document. The Court will rule on  
26 Plaintiff's request (ECF No. 55) after receipt of Defendants' response.

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1 Defendants' response shall be due within 14 days of this order.

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3 IT IS SO ORDERED.

4 Dated: October 13, 2017

5 /s/ Eric P. Gray  
6 UNITED STATES MAGISTRATE JUDGE

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