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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

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11 EMIEL A. KANDI,

12 Plaintiff,

13 v.

14 MANAGEMENT AND TRAINING  
15 CORPORATION, et al.,

16 Defendants.

Case No. 1:16-cv-00794-AWI-BAM (PC)

ORDER DENYING PLAINTIFF'S MOTION  
FOR CLERK'S OFFICE TO ISSUE SIGNED  
SUBPOENAS

(ECF No. 17)

17 Plaintiff Emiel A. Kandi ("Plaintiff") is a federal prisoner proceeding pro se and in forma  
18 pauperis in this civil rights action under 42 U.S.C. § 1983.<sup>1</sup> Plaintiff initiated this action on June  
19 8, 2016. (ECF No. 1.) On December 22, 2016, Plaintiff filed the instant motion with the Court,  
20 requesting the Clerk's Office to send Plaintiff six signed subpoena forms so that Plaintiff may  
21 compel depositions by written questions. (ECF No. 17.)

22 Plaintiff's request is premature. The Court has not yet screened the complaint, as required  
23 by 28 U.S.C. § 1915A, nor has it been served on any of the named defendants. Discovery will  
24 commence following the service of Plaintiff's complaint. The Court advises Plaintiff that it will  
25 screen his complaint in due course.

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27 <sup>1</sup> Plaintiff's complaint has not yet been screened, but the court takes judicial notice that Plaintiff has filed his  
28 complaint in part under 42 U.S.C. § 1983. Generally, suits against federal officers for the violation of constitutional  
rights should be brought under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388  
(1971).

Accordingly, the Court HEREBY DENIES Plaintiff's motion for the clerk's office to issue signed subpoenas, as premature, without prejudice.

IT IS SO ORDERED.

Dated: **January 3, 2017**

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE