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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MITCHELL GARRAWAY,
Plaintiff,
v.
JACQUILINE CIUFO, et al.,
Defendants.

1:17-cv-00533-DAD-GSA (PC)
ORDER DENYING PLAINTIFF’S
REQUEST FOR ISSUANCE OF
SUBPOENAS AS UNTIMELY
(ECF No. 115.)

Plaintiff is a federal prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to Bivens vs. Six Unknown Agents, 403 U.S. 388 (1971). This case now proceeds with Plaintiff’s original Complaint filed on April 17, 2017, against defendants Jacqueline Ciufu (Unit Manager), K. Miller (Corrections Officer), and Lieutenant (Lt.) J. Zaragoza (collectively, “Defendants”), for failure to protect Plaintiff in violation of the Eighth Amendment. (ECF No. 1.)

On September 28, 2020, Plaintiff filed a request for the issuance of subpoenas duces tecum. (ECF No. 115.) Plaintiff’s request is untimely because discovery was closed on June 5, 2020. Pursuant to the court’s scheduling order issued on March 4, 2020, the deadline for conducting discovery in this case was June 5, 2020, and the deadline has not been extended. (ECF No. 97.)

1 Therefore, discovery was closed before Plaintiff filed his request for the issuance of subpoenas and
2 therefore Plaintiff's request is untimely. Accordingly, Plaintiff's request for the issuance of
3 subpoenas shall be denied.

4 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's request for the issuance
5 of subpoenas, filed on September 28, 2020, is DENIED as untimely.

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7 IT IS SO ORDERED.

8 Dated: November 11, 2020

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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