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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 MITCHELL GARRAWAY,
12 Plaintiff,
13 vs.
14 JACQUILINE CIUFO, et al.,
15 Defendants.
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1:17-cv-00533-DAD-GSA-PC

**ORDER STRIKING PLAINTIFF'S
REQUEST FOR WITNESSES AND
WITNESS LIST
(ECF No. 73.)**

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

22 On May 13, 2019, Plaintiff filed a request for witnesses and submitted a list of twenty-
23 nine witnesses for trial. (ECF No. 73.) Plaintiff requests the court to make these witnesses
24 available for trial and to issue writs of *habeas corpus ad testificandum* to transport them to trial.

25 Plaintiff's request and witness list are premature and shall be stricken from the record.¹
26 Trial has not been scheduled for this case. At a later stage of the proceedings, the court shall
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28 ¹ A document which is "stricken" will not be considered by the Court for any purpose. (Informational Order, ECF No. 3 at 2:7-8.)

1 issue an order scheduling the trial and instructing Plaintiff about the procedures for requesting
2 the attendance of witnesses at trial. Until then, Plaintiff should not send any witness lists, exhibit
3 lists, or trial exhibits to the court.

4 Plaintiff is reminded that on April 1, 2019, the court issued an order staying discovery in
5 this case **except for discovery related to whether Plaintiff's Bivens claims are barred under**
6 **Ziglar v. Abassi, 137 S. Ct. 1843 (2017). (ECF No. 65) (emphasis added).** The parties may
7 **only** conduct discovery for this limited purpose until the court lifts the stay.

8 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's request for witnesses
9 and list of witnesses for trial, filed on May 13, 2019, is STRICKEN from the record.

10 IT IS SO ORDERED.

11 Dated: May 15, 2019

12 /s/ Gary S. Austin
13 UNITED STATES MAGISTRATE JUDGE