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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
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11 RICHARD SCOTT KINDRED,  
12 Plaintiff,  
13 v.  
14 WUILMER CABRERA, et al.,  
15 Defendants.  
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1:19-cv-00901-JLT (PC)

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR EXTENSION OF TIME  
AND DENYING PLAINTIFF'S  
REQUESTS FOR A SUBPOENA**

(Docs. 5, 11)

**THIRTY-DAY DEADLINE**

17 Plaintiff's complaint was recently screened and found to be devoid of a cognizable claim.  
18 (Doc. 7.) Plaintiff was then ordered to file a first amended complaint, a notice of voluntary  
19 dismissal, or a notice of election to stand on his complaint. Plaintiff now moves for an extension  
20 of time to file a response. (Doc. 11.) Good cause appearing, this request will be granted.

21 Plaintiff has also filed two motions for a subpoena to be served on the Litigation  
22 Coordinator at Coalinga State Hospital in Coalinga, California to obtain employment records that  
23 would help Plaintiff ascertain the identity of a John Doe defendant (Doc. 11) and to obtain a copy  
24 of a police report dated February 9, 2019 (Doc. 5). The Court finds Plaintiff's motions for a  
25 subpoena to be premature in the absence of a cognizable claim and before the issuance of a  
26 discovery and scheduling order. See Smith v. Municipality of Fresno, 1:19-cv-0651-DAD-EPG,  
27 2019 WL 6618059, at \*3 (E.D. Cal. Dec. 5, 2019) ("If the Court finds cognizable claims in this  
28 matter and orders that the case proceed to the discovery stage, the Court will instruct Plaintiff as  
to how to issue subpoenas."); Wallace v. Pierce County Sheriff's Dep't, 3:19-cv-5329-RBL-

1 DWC, 2019 WL 2141640, at \*6 (W.D. Wash. May 16, 2019) (denying request for a subpoena as  
2 premature “[a]s the Court has not yet served Plaintiff’s complaint or entered a pre-trial scheduling  
3 order.”) These motions will therefore be denied.

4 Based on the foregoing, the Court **ORDERS** as follows:

- 5 1. Plaintiff’s motion for extension of time (Doc. 11) is **GRANTED**. Plaintiff shall file  
6 his response to the Court’s Screening Order within thirty days from the date of this  
7 order; and
- 8 2. Plaintiff’s motions for a subpoena (Docs. 5, 11) are **DENIED** as premature.

9 IT IS SO ORDERED.

10 Dated: September 7, 2020

/s/ Jennifer L. Thurston  
11 UNITED STATES MAGISTRATE JUDGE  
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