

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD SCOTT KINDRED,
Plaintiff,
v.
WUILMER CABRERA, et al.,
Defendants.

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

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

Plaintiff has also filed two motions for a subpoena to be served on the Litigation Coordinator at Coalinga State Hospital in Coalinga, California to obtain employment records that would help Plaintiff ascertain the identity of a John Doe defendant (Doc. 11) and to obtain a copy of a police report dated February 9, 2019 (Doc. 5). The Court finds Plaintiff's motions for a subpoena to be premature in the absence of a cognizable claim and before the issuance of a discovery and scheduling order. See Smith v. Municipality of Fresno, 1:19-cv-0651-DAD-EPG, 2019 WL 6618059, at *3 (E.D. Cal. Dec. 5, 2019) (“If the Court finds cognizable claims in this 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-

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

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

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

IT IS SO ORDERED.

Dated: September 7, 2020

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE