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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MUSTAFFA MANSOUR,
Plaintiff,
v.
CORRECTIONAL OFFICER LUKEN,
Defendant.

Case No. 1:22-cv-01054-JLT-EPG (PC)
ORDER RE: PLAINTIFF’S MOTION
REQUESTING SUBPOENAS FOR VIDEO
RECORDING OF SAN QUENTIN
CORRECTIONAL OFFICERS DATED JULY
18, 2024, AND ON SCC JAMESTOWN
(ECF No. 59)

Mustaffa Mansour (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This case proceeds on Plaintiff’s claim against Defendant Luken¹ for excessive force in violation of the Eighth Amendment. (ECF No. 24). The underlying use of force incident giving rise to Plaintiff’s claim took place at North Kern State Prison on May 25, 2022. (ECF No. 1).

Now before the Court is Plaintiff’s motion requesting the following: (1) a subpoena for video footage allegedly depicting acts of retaliation by San Quentin State Prison correctional officers on July 18, 2024; and (2) a subpoena on SCC Jamestown². (ECF No. 59). Specifically, Plaintiff’s motion states in the caption³, “I am requesting another retaliation subpoena⁴ for SCC

¹ The spelling of Defendant Luken’s name has been inconsistent throughout the record, with “Luken” and “Lucken” used.
² The Court believes Plaintiff is referring to the CDCR facility Sierra Conservation Center located in Jamestown, California.
³ The recitation of the contents of Plaintiff’s motion has been edited for clarity and punctuation.
⁴ The Court notes that while Plaintiff states he is requesting “another” subpoena from SCC Jamestown, the

1 Jamestown, for losing all my property witness info and family contacts to my witness.” (*Id.* at 1).

2 The motion then requests:

3 Plaintiff, Mustaffa Mansour (BS3499) at San Quentin State Prison is requesting to
4 proof lots of (CDCR) misconducts retaliations through write ups I’ve received and
5 video footage. Plaintiff has a court date of Aug 23, 2024, at 9:00 a.m., for
6 Defendant Luken deposition. (CDCR) retaliated bad enough that I’m in a E.O.P.
7 Mental Program, from Fire Camp

8 I, Mustaffa Mansour (BS3499), respectfully ask the courts to grant me
9 “subpoenas” on San Quentin State Prison and SCC Jamestown based on evidence
10 of retaliations.

11 ECF No. 1 at 1-2.

12 Initially, the Court notes that the claim proceeding in this case involves an incident
13 that occurred at North Kern State Prison with a correctional officer employed there.

14 However, Plaintiff’s motion is requesting video footage concerning correctional officers at
15 San Quentin State Prison, as well as a subpoena on SCC Jamestown⁵. Additionally, the
16 video footage Plaintiff requests is from an incident dated July 18, 2024, almost two years
17 after Plaintiff commenced this action. Accordingly, Plaintiff’s motion does not seek
18 information relevant to any claims or defendants proceeding in this action. *See* Fed. R.
19 Civ. P. 26(b)(1) (“Parties may obtain discovery regarding any nonprivileged matter that is
20 relevant to any party’s claim or defense”); *See also* ECF No. 53, at 3 (requiring the
21 parties to serve copies of documents and evidence in their possession, custody, or control,
22 which have not already been produced, including, “[v]ideo recordings and photographs
23 related to the incident(s) at issue in the complaint, including video recordings and
24 photographs of Plaintiff taken following the incident(s).” (footnote omitted) (emphasis
25 added)).

26 On a separate matter, Plaintiff’s motion requests video footage regarding an
27 incident at San Quentin State Prison approximately one month ago, but states that he is,
28 “in a E.O.P. Mental Program, From Fire Camp.” (ECF No. 59, 1). It is thus unclear from

29 Court did not previously grant such a subpoena. As of the date of this order, the only subpoena request
30 Plaintiff has submitted to the Court was a subpoena *duces tecum* on the San Diego County Sheriff, which
31 was granted. (ECF Nos. 10, 11).

32 ⁵ Although it appears that on two occasions Plaintiff was moved to Sierra Conservation Center in
33 Jamestown, Plaintiff has not alleged any claims against staff at that facility. (*See* ECF Nos. 9, 35).

1 Plaintiff's motion where he is currently located. The Court reminds Plaintiff that if his
2 address changes, he must keep the Court updated by filing a notice of change of address.
3 L.R. 183(b).

4 Accordingly, IT IS ORDERED:

- 5 1. Plaintiff's motion requesting subpoenas to produce video footage of San Quentin State
6 Prison correctional officers, dated July 18, 2024, and on SCC Jamestown, is DENIED.
- 7 2. Should Plaintiff change addresses, he is directed to file a notice of change of address
8 with the Court, pursuant to Local Rule 183(b).

9 IT IS SO ORDERED.

10 Dated: August 28, 2024

11 /s/ Eric P. Gray
12 UNITED STATES MAGISTRATE JUDGE

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