## **UNITED STATES DISTRICT COURT**

## EASTERN DISTRICT OF CALIFORNIA

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ANDREW A. CEJAS,	*	No. 2:05-cv-01121-AK
	*	
Plaintiff,	*	
	*	
V.	*	
	*	
MARK IWASA,	*	ORDER
<i>,</i>	*	
Defendant.	*	
	*	
	*	
* * * * * * * * * * * * * * * *	* * *	

Plaintiff, a pro se prisoner, seeks access to his prison medical records. I granted plaintiff's motion to compel discovery, but defendant refused to comply with my order on the ground that the medical records are not within his "possession, custody, or control." Fed. R. Civ. P. 34(a)(1). Defendant states that plaintiff should have subpoenaed Sacramento County Correctional Health Services. Plaintiff has now filed a second motion to compel.

In light of plaintiff's pro se status, plaintiff's motion to compel will be construed as a request for this court to issue a subpoena to allow him access to his medical records. So construed, the motion is granted. The clerk of court is directed to provide plaintiff with a blank subpoena. Plaintiff shall complete and return the subpoena to this court, along with a motion requesting the court to direct the United States Marshal to serve the subpoena on the custodian of his medical records.

May 25, 2010

**ALEX KOZINSKI** Chief Circuit Judge Sitting by designation