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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PETER DALE GRAVES,

Plaintiff,

No. CIV S-07-0666-GEB-CMK P

vs.

B. WILLIAMS, et al.,

Defendants.

ORDER

_____/

Plaintiff is a prisoner who is proceeding pro se and in forma pauperis. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983. On December 23, 2008, the court denied plaintiff's motion to compel, but construed his motion as a request for a court ordered subpoena to allow him access to his medical records. So construed, the court requested the Clerk of the Court to send plaintiff a blank subpoena for plaintiff to complete and return for service by the U.S. Marshal. On the same day, the court issued an order directing plaintiff's witness to answer additional deposition questions.

On January 5, 2009, plaintiff informed the court that he received the wrong subpoena. Instead of a blank subpoena, plaintiff received the subpoena directing the witness to answer the deposition questions. Accordingly, the Clerk of the Court reserved plaintiff's witness

1 with the correct subpoena, and sent plaintiff a blank subpoena. However, on January 15, 2009,
2 plaintiff informed the court that he again received the wrong document. This time he received a
3 blank summons, not a blank subpoena.

4 Plaintiff has requested to receive the correct blank subpoena in order to facilitate
5 receiving his medical records. He has also requested additional time to complete and return the
6 subpoena as the time originally give allowed to accomplish this task has passed. Plaintiff's
7 requests will be granted.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The Clerk of the Court is directed to send plaintiff a blank subpoena;
- 10 2. Within 20 days of the date of service of this order, plaintiff shall complete
11 the subpoena with the relevant information and return the completed subpoena to the court; and
- 12 3. Upon receipt of the properly completed subpoena, the court will direct the
13 U.S. Marshal to serve the subpoena upon the custodian of medical records.

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15 DATED: January 20, 2009

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17 **CRAIG M. KELLISON**
18 UNITED STATES MAGISTRATE JUDGE
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