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

JARMAAL LARONDE SMITH,

Plaintiff,

Case No. 2:07-cv-00964 ALA (P)

vs.

LEANN CRONES, et al.,

ORDER

Defendants.

\_\_\_\_\_ /

Plaintiff Jarmaal Laronde Smith is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff's complaint filed March 23, 2007, against Defendants Norton and Simmerson, corrections officers at California Department of Corrections and Rehabilitation, High Desert State Prison (HDSP), for the alleged use of excessive force against and failure to protect Plaintiff from an alleged assault, in violation of the Eighth Amendment.

On July 6, 2009, Mr. Smith filed a motion for the issuance of a subpoena duces tecum. (Doc. 62). In this motion, Plaintiff requests that the Court issue a subpoena ordering High Desert State Prison Warden, Mike McDonald, to provide Plaintiff with certain documents relating to the assault Plaintiff alleges occurred against him on January 12, 2006 and Plaintiff alleges are in the possession, custody or control of Warden McDonald.

1 Accordingly, good cause showing, IT IS HEREBY ORDERED THAT:

- 2 1. Non-party Warden McDonald shall file a response to Plaintiff's motion, if any, on  
3 or before July 17, 2009;
- 4 2. The Clerk of this Court is ordered to send a copy of this order, along with  
5 Plaintiff's motion for subpoena duces tecum (doc. 62), to:

6 Mike McDonald, Warden  
7 High Desert State Prison  
8 P.O. Box 750  
9 Susanville, CA 96127-0750

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10 DATED: July 8, 2009

11 /s/ Arthur L. Alarcón  
12 UNITED STATES CIRCUIT JUDGE  
13 Sitting by Designation  
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