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

SCOTT CHARLES MATTHEWS,

Plaintiff,

No. CIV S-07-1418 GEB CKD P

vs.

HUI,

Defendant.

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action under 42 U.S.C. § 1983. On December 10, 2010, the court allowed both parties twenty-eight days in which to file motions for summary judgment. Neither party filed a motion. Since that deadline passed, the parties have filed pre-trial statements. Therefore, this case will be set for trial.

The court has received requests from plaintiff for the issuance of subpoenas duces tecum for documents under Federal Rule of Civil Procedure 45. The requests are too vague. To obtain a subpoena for documents from the court, the prisoner must file a motion supported by: (1) clear identification of what documents he seeks; (2) clear identification of the non-party from whom he seeks the documents; and (3) a showing that the records or documents are obtainable only through the identified non-party. See Heilman v. Lyons, 2010 WL 5168871 at \*1 (E.D. Cal.). In this case, plaintiff’s earliest request for the subpoenas came several months after discovery ended. Therefore, in addition to the three showing indicated above, he also must state

1 the purpose for which he seeks the documents – i.e., whether they are necessary for trial  
2 preparation, and if so, why they are necessary, or whether he intends to introduce them at trial,  
3 and if so, what he intends to prove through their introduction into evidence.

4 Plaintiff has not provided any of the information described above, so his requests  
5 for subpoenas will be denied. He may renew his requests by filing a formal motion that contains  
6 the required information.

7 Accordingly, IT IS HEREBY ORDERED that:

8 1. Trial of this case is set to commence April 17, 2012, at 10:00 a.m. in  
9 Courtroom 10 of the Robert T. Matsui Federal Courthouse, 501 I Street, Sacramento, California.

10 2. Plaintiff's requests for subpoenas duces tecum (Docket Nos. 60, 62, 64, 74  
11 and 76) are denied. Plaintiff has 45 days from entry of this order in which to file a formal motion  
12 requesting the issuance of subpoenas duces tecum.

13 Dated: November 18, 2011

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15 CAROLYN K. DELANEY  
16 UNITED STATES MAGISTRATE JUDGE

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19 <sup>3</sup>  
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