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

KEVIN RUSSELL MEYER,

Plaintiff,

No. CIV S-09-1527 KJM P

vs.

CHRISTOPHER SMITH, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a California prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. Two motions to compel filed by plaintiff on July 6, 2010 are before the court.

In the first motion, plaintiff asks that the court order that a non-party, Dr. James McSweeney, certify that certain documents in plaintiff's possession were in fact authored by McSweeney. The court has no authority to act on plaintiff's request. Although plaintiff served a subpoena on McSweeney requesting documents themselves, he did not follow up on McSweeney's response, that he did not have any documents, with another subpoena or formal discovery request such that the court can compel a response if such an order to compel is warranted. Therefore, plaintiff's request with respect to Dr. McSweeney will be denied without prejudice.

1 In the second motion, plaintiff asks that the court order the litigation coordinator
2 at Mule Creek State Prison to “allow Stan Schlachter, Physical Therapist to produce a certified
3 copy of his finding, diagnoses, and recommendation of plaintiff.” Again, this is not a proper
4 request. Plaintiff has not made a formal request via a subpoena or otherwise for anything from
5 the litigation coordinator at Mule Creek State Prison. Therefore, the court has no authority to
6 enter the order plaintiff seeks. Because the subpoena plaintiff references in his motion is directed
7 to Stan Schlachter, plaintiff will be granted twenty-one days within which to file a motion to
8 compel Mr. Schlachter to respond to plaintiff’s subpoena.

9 Accordingly, IT IS HEREBY ORDERED that:

10 1. Plaintiff’s July 6, 2010 motions to compel “parties to produce certified
11 documents” (docket nos. 23 and 25) are denied.

12 2. Plaintiff is granted twenty-one days within which to file a motion to compel
13 Stan Schlachter to respond to the subpoena referenced in the July 6, 2010 motion to compel
14 directed to the litigation coordinator at Mule Creek State Prison (see docket no. 25).

15 DATED: July 22, 2010.

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20 U.S. MAGISTRATE JUDGE
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