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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. On August 6, 2010, plaintiff filed a motion asking that the court compel Stan Schlachter, a physical therapist at Mule Creek State Prison, “to allow plaintiff a certified copy of his finding, diagnoses, and recommendation of plaintiff’s left knee.” Mr. Schlachter is not a party to this action.

A review of plaintiff’s motion reveals the court has no basis upon which to order Mr. Schlachter to provide plaintiff with the documents he seeks. While it appears plaintiff served a subpoena seeking documents from Mr. Schlachter, the subpoena was served on the litigation coordinator at Mule Creek State Prison, not Mr. Schlachter. Mot., Ex. B. Rule 45(b)(1) of the Federal Rules of Civil Procedure requires that a subpoena be served on the person

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1 named in the subpoena. For this reason, plaintiff's motion to compel will be denied without
2 prejudice.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's August 6, 2010 "Motion
4 to Compel Parties to Produce Certified Documents" is denied.

5 DATED: October 1, 2010.

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U.S. MAGISTRATE JUDGE