IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DEAREL GIBSON,

Plaintiff, No. CIV S-09-2388 GEB DAD P

vs.

R. K. WONG, et al.,

Defendants. ORDER

_____/

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. On September 9, 2010, plaintiff filed a motion requesting that the court issue subpoenas so that his witnesses may testify at trial.

Plaintiff is advised that in accordance with the court's July 29, 2010 discovery and scheduling order, all motions requesting court orders for the attendance of witnesses at trial are to be filed and served together with the parties' pretrial statements.[1] However, the court has yet to order the parties to submit pretrial statements in this case. Rather, at this time the parties are free to conduct discovery until November 19, 2010, after which the court will then set dates for the filing of pretrial statements in this action.

[1] Plaintiff is further advised to review the court's July 29, 2010 discovery and scheduling order regarding the procedures for obtaining the attendance of witnesses at trial.

Accordingly, IT IS HEREBY ORDERED that plaintiff's September 9, 2010 motion requesting subpoenas for witnesses (Doc. No. 33) is denied as premature.

DATED: September 19, 2010.

DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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