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

WILLIAM YOUNG SUTHERLAND,

Plaintiff,

No. CIV S-09-2391 WBS DAD P

vs.

S. HERRMANN, et al.,

Defendants.

ORDER

_____ /

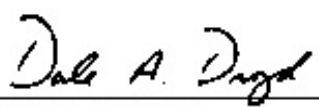
Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On April 5, 2012, plaintiff filed a motion for an order allowing him to serve subpoenas duces tecum on non-parties to this action. Discovery is closed in this action and defendants have filed a motion for summary judgment. Plaintiff's motion for an order allowing service of subpoenas duces tecum on non-parties to this action will be denied without prejudice to plaintiff's right to file, as appropriate, a request pursuant to Federal Rule of Civil Procedure 56(d) in opposition to the pending motion for summary judgment.

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In accordance with the above, IT IS HEREBY ORDERED that plaintiff's April 5, 2012 motion (Docket No. 94) is denied without prejudice.

DATED: May 22, 2012.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:12
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