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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANK DIXON,
Petitioner,
v.
JAMES YATES,
Respondent.

No. 2:10-cv-0631 JAM AC P

ORDER

Currently before the court is petitioner’s application for issuance of subpoenas for his evidentiary hearing witnesses. ECF No. 56. Petitioner requests the court issue the subpoenas “because of uncertainty in a 28 U.S.C. section 2254 proceeding whether counsel for petitioner can issue subpoenas to testify on his own, or whether the subpoenas must be issued by leave of court.” The court notes that counsel for both parties in this action have previously been authorized to issue subpoenas for the appearance of witnesses.¹ ECF No. 54. Though counsel for petitioner is authorized to issue subpoenas for the appearance of witnesses, the court will grant petitioner’s motion in part and direct the Clerk of the Court to send petitioner’s counsel four signed but otherwise blank subpoena forms pursuant to Federal Rule of Civil Procedure 45(a)(3).

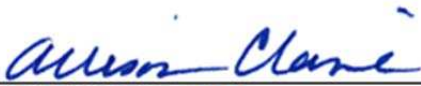
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¹ The parties must stipulate to or move for the issuance of subpoenas duces tecum. ECF No. 54.

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Accordingly, IT IS HEREBY ORDERED that petitioner's application for issuance of subpoenas (ECF No. 56) is granted in part and the Clerk of the Court is directed to provide petitioner's counsel with four signed but otherwise blank subpoena forms. See Fed. R. Civ. P. 45(a)(3).

DATED: June 4, 2015



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE