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

JOSEPH ROBINSON,

Plaintiff,

CIV 2:10-cv-2464-MCE-JFM (PS)

vs.

JEFF CUNAN,

Defendant.

ORDER

On February 10, 2011, defendant filed what the court construes as a motion to quash. Defendant contends that on February 3, 2011, he was served with a subpoena to personally appear and testify at the February 17, 2011 hearing on defendant’s motion to dismiss. Defendant seeks dismissal or nullification of the subpoena on the ground that the court previously determined that the “issuance of such subpoenas are improper because no testimony will be taken and no documents will be entered into evidence at the hearing on defendant’s motion [to dismiss]. . . . The only persons who will be heard are defendant’s counsel and the pro se plaintiff.” See Doc. No. 37 at 3.

The document about which Defendant complains appears to have been prepared by Plaintiff in violation of the rules governing the hearing on a motion to dismiss. Plaintiff is cautioned that disobedience of the court’s orders may expose him to sanctions, including the dismissal of his action. Local Rule 110.

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Accordingly, IT IS HEREBY ORDERED that:

1. Defendant's motion to quash is granted, and
2. Pending resolution of defendant's motion to dismiss, plaintiff shall refrain

from issuing any further subpoenas in this action to defendant or any non-party.

DATED: February 14, 2011.


UNITED STATES MAGISTRATE JUDGE

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