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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MACK A. WEST,
Plaintiff,
v.
RYAN PETTIGREW, et al.,
Defendants.

No. 2:11-cv-01692-JAM-JFM

ORDER

On September 30, 2013, plaintiff filed requests for permission to serve a subpoena duces tecum on Salinas Valley State Prison and California Medical Facility. (ECF Nos. 96, 97.) With regard to the items plaintiff requests from Salinas Valley Prison, the California Department of Corrections regulations provide a process through which plaintiff can make written requests to prison officials for documents and other items, which appears to cover the items plaintiff seeks in his current request for a subpoena. See Cal. Code Regs. tit. 15, § 3086. Plaintiff does not need court permission to serve discovery requests on a third party and has given no indication that he has attempted to seek the requested items from Salinas Valley State Prison through this internal procedure and been denied access to the items he is requesting. Accordingly, his request to serve a subpoena duces tecum on Salinas Valley State Prison (ECF No. 96) will be denied without prejudice.

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1 Plaintiff's request to serve California Medical Facility, however, will be granted as the
2 court finds that there is good cause for the items plaintiff requests. This court has granted
3 plaintiff permission to proceed in forma pauperis by order filed July 12, 2011. (ECF No. 4.)
4 Service of subpoenas must be made by personal service or the subpoena is null and void. Fed. R.
5 Civ. P. 45(c); Gillam v. A. Shyman, Inc., 22 F.R.D. 475 (D. Alaska 1958). The United States
6 Marshal is hereby directed to serve subpoenas received from plaintiff without prepayment of
7 costs until further order of the court.

8 Additionally, plaintiff has filed a motion for an extension of time to file a reply to
9 defendants' opposition filing. (ECF No. 90.) Plaintiff filed his reply on September 27, 2013.
10 (ECF No. 93.) Accordingly, this motion is denied as moot. Plaintiff has also filed another
11 motion for an extension of time to file a motion to compel. (ECF No. 99.) Good cause
12 appearing, this motion is granted.

13 IT IS HEREBY ORDERED that:

14 1. Plaintiff's September 30, 2013 motion to serve a subpoena duces tecum on Salinas
15 Valley State Prison (ECF No. 96) is denied without prejudice to plaintiff's right to propound
16 discovery during the period of discovery set in the revised scheduling order (ECF No. 81);


17 2. Plaintiff's September 30, 2013 motion to serve a subpoena duces tecum on California
18 Medical Facility (ECF No. 97) is granted;

19 3. Plaintiff's September 23, 2013 motion for an extension of time (ECF No. 90) is denied
20 as moot;

21 4. Plaintiff's October 21, 2013 motion for an extension of time (ECF No. 99) is granted;

22 5. Plaintiff is granted 30 days from the date of this order in which to file a motion to
23 compel.

24 Dated: October 28, 2013

25 
26 CAROLYN K. DELANEY
27 UNITED STATES MAGISTRATE JUDGE
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