

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS JOHN HEILMAN,  
Plaintiff,  
v.  
TODD WASKO, et al.,  
Defendants.

No. 2:12-cv-01966 JAM AC P

ORDER AND ORDER TO U.S. MARSHAL

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has submitted the completed subpoena duces tecum form pursuant to this court’s August 14, 2014 order. The subpoena duces tecum provides a list of documents, records, e-mails or information identified in an attachment to be produced to plaintiff on September 21, 2014, at 10:00 a.m. However, the documents requested have not been limited as required by this court’s August 14, 2014 order. Accordingly, the court finds service appropriate for plaintiff’s subpoena duces tecum as limited herein.

Plaintiff’s second and third requests are directed to Captain T. Walker who is not being served with the subpoena duces tecum. However, these requests also identify B. Duffy as the recipient of “documents, e-mails, memorandums or records generated by Captain T. Walker.” Therefore, the court will limit request number two and three to all documents, e-mails,

1 memoranda or records sent from Capt. T. Walker and received by Warden Duffy.

2 Plaintiff's fourth and sixth requests for documents are also directed to individuals other  
3 than the recipient of the subpoena duces tecum. Therefore, these requests will be stricken from  
4 the subpoena duces tecum in their entirety.

5 Plaintiff's ninth request for documents requires them to be photocopied at the expense of  
6 Warden Duffy. Plaintiff was previously cautioned that he is still required to photocopy any  
7 documents responsive to a subpoena duces tecum at his own expense. The court will not shift  
8 that burden to a non-party. Accordingly, the ninth request shall be limited to the production of  
9 said documents for plaintiff's inspection and photocopying at his own expense.

10 Accordingly, IT IS HEREBY ORDERED that:

11 1. The Clerk of the Court is directed to send the original subpoena duces tecum and its list  
12 of attached documents requested, along with a copy of the instant order, to the U.S. Marshal;

13 2. Within fourteen days from the date of this order, the U.S. Marshal is directed to  
14 personally serve the subpoena duces tecum, its attached list of documents requested, and a copy  
15 of this order on Warden Brian Duffy at the California Medical Facility, 1600 California Drive,  
16 Vacaville, CA 95696-2000, pursuant to 28 U.S.C. § 566(c), and shall command all necessary  
17 assistance from the California Department of Corrections and Rehabilitation to execute this order;

18 3. Within ten days after personal service of the subpoena duces tecum is effected, the  
19 United States Marshal shall file the return of service for the nonparty with the court.

20 4. The Clerk of the Court is directed to serve a copy of this order and a copy of the issued  
21 subpoena duces tecum on the following:

22 Litigation Coordinator  
23 California Medical Facility  
24 P.O. Box 2000  
25 Vacaville, CA 95696-2000.

26 5. Warden Duffy shall within thirty days after service of the attached subpoena duces


27 ///

28 ///

///

1 tecum and this order, serve by mail the documents requested by plaintiff's subpoena duces tecum  
2 as limited by this order.

3 DATED: September 5, 2014

4   
5 ALLISON CLAIRE  
6 UNITED STATES MAGISTRATE JUDGE  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28