UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

WALTER HOWARD WHITE,

Plaintiff,

v.

SMYERS, et al.,

Defendants.

No. 2:12-cv-2868 MCE AC P

ORDER

Pursuant to a docket correction entered today by the Clerk of Court, the undersigned is informed that plaintiff *did* submit proposed subpoenas duces tecum. See ECF No. 136. Accordingly, the portion of the court's order filed earlier today, directing plaintiff to submit his proposed subpoenas, should be partially disregarded. See ECF No. 140 at 2-4.

Nevertheless, review of plaintiff's proposed subpoenas indicates that only two of the three – those directed to the State Compensation Insurance Fund (SCIF), and the California Substance Abuse Treatment Facility (CSATF) – conform to the content authorized by the court. The subpoena directed to High Desert State Prison (HDSP) does not.[1]

[1] The court authorized a subpoena to HDSP that seeks "all documents referencing plaintiff's July 21, 2008 accident at CSATF and/or plaintiff's related need for medical care." See ECF No. 126 at 19-20. Plaintiff's proposed subpoena seeks, "All documents that reference non-confidential investigative findings by the Office of the Inspector General (OIG) or Plata Receiver regarding the health care of prisoners at High Desert State Prison." While plaintiff reasonably expressed (continued…)

Plaintiff will be accorded one final opportunity to submit a proposed subpoena duces tecum directed to HDSP. Plaintiff is directed to reference the court's prior order, ECF No. 140, both for the content of the authorized subpoena and for submitting his proposed subpoena to the court together with the provided "Notice of Submission of Documents."

Accordingly, IT IS HEREBY ORDERED that:

1. Within fourteen days after the filing date of this order, plaintiff may submit his proposed subpoena duces tecum directed to HDSP, as authorized by the court, and as follows:

a. The Clerk of Court is directed to provide plaintiff, with a copy of this order, one subpoena duces tecum form, signed but otherwise blank, pursuant to Fed. R. Civ. P. 45;

b. Within fourteen days after the filing date of this order, plaintiff may complete and return to the court the attached Notice of Submission of Documents form and the proposed subpoena duces tecum directed to HDSP.

2. The court will hold plaintiff's subpoenas duces tecum directed to SCIF and CSATF until expiration of the fourteen-day period, and thereafter direct the United States Marshal to serve those subpoenas and, if properly submitted, plaintiff's third subpoena directed to HDSP.

3. No further extensions of time will be granted for completion of these matters.

SO ORDERED.

DATED: May 12, 2015

Allison Claire

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

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some confusion concerning these matters, see ECF No. 140 at 2 (concerning plaintiff's Items (e) and (f)), only the authorized subject matter will be permitted in a subpoena duces tecum directed to HDSP.