

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

VILAYCHITH KHOUANMANY,
Plaintiff,
v.
UNITED STATES MARSHALS, et al.,
Defendants.

No. 2:17-cv-1326-GEB-EFB P

ORDER

Plaintiff is a federal prisoner proceeding pro se with claims arising under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971). On December 26, 2017, she submitted a completed subpoena duces tecum form pursuant to this court’s November 30, 2017 order. See ECF No. 38 (granting plaintiff’s “Motion for Order re Production of Documents” for the purpose of identifying the unnamed employees of the U.S. Marshals Service who plaintiff intends to name as defendants). The subpoena duces tecum is overbroad in that it seeks the identities of inmates. It is also incomplete to the extent that it fails to provide a deadline for the production of the requested documents. Accordingly, the reference in the subpoena duces tecum to the “names of inmates” will be stricken. In addition, the court will require that the requested documents be produced by March 28, 2018. With these amendments, and as set forth below, the U.S. Marshal will be directed to serve the subpoena duces tecum on the Custodian of Records at the Eastern District of California, U.S. Marshals Service, and the Custodian of Records for the Sacramento County Sheriff’s Department.

1 Plaintiff also seeks an extension of time to file an amended complaint (ECF No. 40). That
2 request will be granted to the extent that plaintiff shall have another 90 days within which to file
3 an amended complaint. She also requests the appointment of counsel (ECF No. 41). That request
4 will be denied for the reasons stated in previous orders. *See, e.g.*, ECF No. 31.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The subpoena duces tecum submitted by plaintiff on December 26, 2017, is
7 amended as follows:
 - 8 a. The reference to the “names of inmates” is stricken.
 - 9 b. The deadline for production of the requested documents is March 28, 2018;
- 10 2. The Clerk of the Court is directed to issue the subpoena duces tecum provided
11 by plaintiff on December 26, 2017, and send the original subpoena duces tecum,
12 along with a copy of the instant order, to the U.S. Marshal;
- 13 3. No later than February 28, 2018, the U.S. Marshal is directed to personally serve
14 the subpoena duces tecum and a copy of this order upon the Custodian of
15 Records for the Eastern District of California, U.S. Marshals Service, 501 I
16 Street, Sacramento, California, 95814, and the Custodian of Records for the
17 Sheriff of Sacramento County, 651 I Street, Sacramento, California, 95814,
18 pursuant to 28 U.S.C. § 566(c).
- 19 4. Within ten days after personal service of the subpoena duces tecum is effected,
20 the U.S. Marshal shall file the returns of service for the nonparties with the
21 court.
- 22 5. Plaintiff’s motion for an extension of time to file an amended complaint (ECF
23 No. 40) is granted to the extent that plaintiff shall have 90 days from the date of
24 service of this order to file an amended complaint.

25 /////

26 /////

27 /////

28 /////

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

6. Plaintiff's request for the appointment of counsel (ECF No. 41) is denied without prejudice.

DATED: February 13, 2018.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE