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

DUPREE LAMONT ADKINS,  
Plaintiff,  
v.  
DEBORAH BLACKWELL, et al.,  
Defendants.

No. 2:19-CV-0458-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court are Plaintiff’s motion for an extension of time, ECF No. 124, and Plaintiff’s “motion for continuance,” ECF No. 125.

In his motion for an extension of time, Plaintiff seeks additional time to file an opposition to Defendants’ motion for partial summary judgment. See ECF No. 124. According to Plaintiff, additional time is needed in order to obtain affidavits from witnesses and that these affidavits will support his claims. Concurrent with this motion, Plaintiff has filed a request for the Clerk of the Court to issue blank subpoena duces tecum forms to obtain the affidavits. See ECF No. 123.

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1 Plaintiff states that he is seeking affidavits from registered nurse Mary Spurgeon  
2 and psychologist Patrick Faggianelli. See id. Plaintiff further states that these witnesses can  
3 authenticate medical records and explain Plaintiff’s mental health assessment. See id. While  
4 statements from these witnesses may be relevant to Plaintiff’s underlying substantive claims in  
5 this case, the pending motion for partial summary judgment deals with the issue of exhaustion of  
6 administrative remedies and not the underlying merits of Plaintiff’s claims. Plaintiff has not,  
7 therefore, shown good cause for an extension of time based on the need for these affidavits. The  
8 Court will nonetheless grant Plaintiff a brief extension of time to file his opposition to  
9 Defendants’ motion for partial summary judgment.

10 Turning to Plaintiff’s “motion for continuance,” Plaintiff opposes Defendants’  
11 request that fact-based discovery be stayed pending resolution of Defendants’ motion relating to  
12 exhaustion. See ECF No. 125. Plaintiff’s motion will be denied because the Court has already  
13 granted Defendants’ motion. See ECF No. 121. The current schedule is vacated. Discovery will  
14 be re-opened once Defendants’ motion is resolved. Upon resolution of Defendants’ motion, the  
15 Court will re-open discovery.

16 Finally, as to Plaintiff’s request for issuance of blank subpoena duces tecum forms,  
17 which Plaintiff states are needed in order to obtain affidavits from Ms. Spurgeon and Dr.  
18 Faggianelli, Plaintiff is informed that subpoenas are not necessary in order to ask these witnesses  
19 to provide affidavits. Additionally, as explained above, discovery is stayed pending resolution of  
20 Defendants’ motion for partial summary judgment. Plaintiff’s request for issuance of subpoenas  
21 will be denied.

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Accordingly, IT IS HEREBY ORDERED as follows:

1. Plaintiff's request for issuance of subpoena forms, ECF No. 123, is DENIED.
2. Plaintiff's "motion for continuance," ECF No. 125, is DENIED.
3. Plaintiff's motion for an extension of time, ECF No. 124, is GRANTED.
4. Plaintiff may file an opposition to Defendants' motion for partial summary judgment within 30 days of the date of this order.

Dated: June 26, 2024

  
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DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE