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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD TERRAN FURNACE,
Plaintiff,
v.
SGT. K KNUCKLES, et al.,
Defendants.

No. C 09-6075 MMC (PR)

**ORDER GRANTING PLAINTIFF’S
REQUEST FOR SUBPOENA;
REQUESTING CSP LITIGATION
COORDINATOR ALLOW
PLAINTIFF REASONABLE ACCESS
TO LEGAL MATERIALS;
DIRECTIONS TO CLERK**

(Docket No. 178)

On December 30, 2009, plaintiff, a California prisoner incarcerated at Corcoran State Prison (“CSP”) and proceeding pro se, filed the above-titled civil rights action under 42 U.S.C. § 1983. On April 26, 2011, defendants filed a motion to dismiss and for summary judgment (hereafter, “motion for summary judgment”). Plaintiff’s opposition is currently due on or before March 4, 2013.

Now before the Court is plaintiff’s request for a subpoena duces tecum. Specifically, plaintiff asserts that he needs to subpoena the CSP Litigation Coordinator in order to view again a videotape produced to him for viewing during discovery in this action. (See Dkt. No. 176 Ex. A.) Plaintiff asserts he needs said discovery in order to respond to defendants’ motion for summary judgment.

In light of plaintiff’s statement that CSP requires a subpoena in order to give plaintiff access to said videotape (see Dkt. No. 176 at 2), the Court finds good cause for the request. Plaintiff is reminded, however, that the discovery period in this action has now closed, as

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For the Northern District of California

1 discussed in the Court's order of February 4, 2013. (Dkt. No. 179.) Accordingly, the
2 subpoena may not be used to propound further discovery.

3 In light of the foregoing, the Court hereby rules as follows:

4 1. Plaintiff's request for a subpoena duces tecum is hereby GRANTED.

5 2. The Clerk is hereby DIRECTED to send a blank subpoena to plaintiff for him to
6 complete and return to the court for issuance by the Clerk and thereafter to be returned to
7 plaintiff for service.

8 3. The Clerk is further DIRECTED to serve a copy of this order on the CSP
9 Litigation Coordinator, P.O. Box 8800, Corcoran, CA 93212-8309.

10 4. Lastly, given the limited time in which plaintiff must respond to defendants'
11 motion for summary judgment, the CSP Litigation Coordinator is hereby REQUESTED to
12 provide plaintiff access to the above-referenced videotape as soon as such access can be
13 arranged and to the extent such access is consistent with security concerns and other
14 applicable policies and procedures of the facility.

15 This order terminates Docket No. 178.

16 IT IS SO ORDERED.

17 DATED: February 5, 2013

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19 MAXINE M. CHESNEY
20 United States District Judge
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