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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 JUAN HERRERA, et al.,

12 Plaintiff,

13 vs.

14 UNITED STATES OF AMERICA,

Defendant.

CASE NO. 09cv756-JM (WMc)

ORDER

15 On March 29, 2010, the Court issued an Order directing Plaintiffs to serve their "Motion
16 for Leave of Court to take Mr. Lopez's Deposition" on Mr. Daniel Lopez and his attorney of
17 record. A review of the Court's electronic docket shows Plaintiff served notice in accordance
18 with the Court's order on or about March 30, 2010. Mr. Lopez and/or his counsel have had over
19 thirty days to submit a responsive pleading. The Court has received no response. Therefore,
20 pursuant to Federal Rule of Civil Procedure 30(b)(2)(B) and based upon Plaintiffs' motion the
21 Court GRANTS Plaintiff's motion to subpoena (for deposition) witness Daniel Lopez. However,
22 because Daniel Lopez is currently housed at Kern Valley State Prison in the Eastern District of
23 California, Plaintiffs are advised they must comply with the Federal Rules of Civil Procedure for
24 subpoenaing an out-of-district nonparty witness.

25 IT IS SO ORDERED.

26 DATED: May 9, 2010

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28 Hon. William McCurine, Jr.
U.S. Magistrate Judge
United States District Court