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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ROBIN BLAKE COMBS, SR.,

Plaintiff,

v.

JOSEPH D. LEHMAN, *et al.*,

Defendants.

No. C08-5063 RJB/KLS

ORDER DENYING EXPEDITED  
MOTION FOR SERVICE OF SUBPOENA  
AND GRANTING MOTION FOR  
EXTENSION OF DISCOVERY AND  
DISPOSITIVE MOTIONS DEADLINES

Before the Court is Plaintiff's Motion for Expedited Order Directing Service of Subpoenas by U.S. Marshal's Service. Dkt. 137. Plaintiff is advised that Plaintiff must serve the two non-party deposition subpoenas in accordance with Rule 45. The Clerk of the Court shall issue the subpoena, but it is up to the party to complete it before service. Fed.R.Civ.P. 45(a)(3). Despite Plaintiff's *in forma pauperis* status, Plaintiff bears the burden of ensuring that service is completed according to the dictates of Rule 45.

Plaintiff moves in the alternative for an extension of the discovery deadline, for the sole purpose of serving the two non-party witnesses and providing the witnesses with twenty days to respond. The discovery deadline is presently set for January 8, 2010. Dkt. 137, p. 2. The court finds the request for a short and limited extension of the discovery deadline to be reasonable. As

ORDER - 1

1 the dispositive motions deadline currently set for February 19, 2010 is impacted, it shall also be  
2 extended.

3 Accordingly, it is **ORDERED**:

- 4 1) Plaintiff's Motion for Service of Subpoenas by the U.S. Marshal's Service (Dkt. 137  
5 is **DENIED**; however, **the Clerk is directed to send two blank subpoena forms to**  
6 **Plaintiff**. After Plaintiff has completed the subpoena forms, he shall return them to  
7 the Clerk who will sign and return them to Plaintiff.  
8
- 9 2) The discovery deadline in this matter shall be extended to **February 5, 2010 for the**  
10 **sole purpose of serving and deposing the two non-party witnesses**; the dispositive  
11 motions deadline shall be extended to **March 19, 2010**.
- 12 3) The Clerk is directed to send copies of this Order to Plaintiff and counsel for  
13 Defendants.  
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15 DATED this 10th day of December, 2009.

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19 Karen L. Strombom  
20 United States Magistrate Judge  
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