



(PC) Vega v. Soto et al

2024 | Cited 0 times | E.D. California | March 4, 2024

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

FRANCISCO VEGA, JR.,

Plaintiff, v. M. SOTO, et al.,

Defendants.

1:22-cv-000471-JLT-EPG (PC)

ORDER REGARDING RETURNED SUBPOENA DOCUMENTS

Plaintiff Francisco Vega, Jr., is a state prisoner proceeding pro se in this civil rights Soto, Noujaime, and Borba. (ECF No. 15). This matter is before the Court returned

subpoena documents.

On January 25, 2024, the Court issued an order permitting Plaintiff to fill out and return for service by the United States Marshals Service a subpoena duces tecum form (AO 88B and also the form for Marshal service USM-285) to Valley State Prison (VSP) to learn the address for Billy Moore, a former VSP employee that Plaintiff seeks to depose. (ECF No. 76). On February 14, 2024, the Court issued a follow-up order after Plaintiff incorrectly filled out the subpoena documents for Moore. (ECF No. 80). The Court sent Plaintiff new subpoena documents (AO 88B and USM-285) and extended the non-expert discovery deadline to April 15, 2024, for purposes of deposing Moore, and gave Plaintiff thirty days to complete and return the necessary subpoena documents. (ECF No. 80).

Although Plaintiff has now returned the subpoena documents, he has used the wrong subpoena form. Plaintiff has returned form AO 88A, which is used to compel testimony at a deposition address is unknown, Plaintiff needs to fill out AO 88B, which compels information and not

attendance at a deposition. In this instance, Plaintiff will be using AO 88B, not AO 88A.

Accordingly, IT IS ORDERED as follows: 1. The Clerk of Court is directed to (1) file on the docket the subpoena documents that



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Plaintiff returned; and (2) send Plaintiff a copy of form AO 88B and a copy of form USM- 285. 2. These documents are to be used to gain documents or information from VSP to identify

the location of Billy Moore. 3. Plaintiff shall not location. 4. Plaintiff has twenty-one days from the date of service of this order to complete and return

form AO 88B and form USM-285.

IT IS SO ORDERED.

Dated: March 4, 2024 /s/ UNITED STATES MAGISTRATE JUDGE

