

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CURTIS EDWARD NELSON,)	
AIS # 175965,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.: 2:14cv855-CSC
)	[WO]
EDWARD D. HAYNES, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Now pending before the court is the defendants’ motion to cancel mediation and set this matter for trial (doc.# 101) filed on May 20, 2016. Upon consideration of the motion, and for good cause, it is

ORDERED as follows that:

1. The motion to cancel mediation (doc. # 101) be and is hereby GRANTED;
2. Mediation presently set for June 2, 2016 be and is hereby CANCELED;
3. The Writ of Habeas Corpus Ad Testificandum issued on May 4, 2016 be and is hereby VACATED;
4. This case is set for jury selection and jury trial before United States Magistrate Judge Charles S. Coody on August 15, 2016, at 10:00 a.m. in Courtroom 4B, United States Courthouse, One Church Street, Montgomery, Alabama.
5. This matter be and is hereby set for a pretrial conference before United States Magistrate Judge Charles S. Coody on July 7, 2016, at 10:00 a.m. by telephone conference.

The defendants shall set up the telephone conference and shall make the plaintiff available by telephone.

6. All requested voir dire questions shall be filed with the court on or before August 1, 2016. All requested jury charges shall be filed with the court on or before July 18, 2016.

7. *Witnesses.*

(a) *All parties* shall file a witness list on or before July 18, 2016. Witnesses not on the list will not be heard.

(b) *Cases Proceeding In Forma Pauperis.* If the plaintiff desires to procure attendance of witnesses by writ or subpoena, he shall file and serve – not later than 20 days before trial date – a witness list containing the names, AIS number where applicable and addresses of *all* witnesses – whether a subpoena is sought or not – (inmate or civilian status) and a brief statement of the expected testimony of each witness. M.D. ALA. LR 45.1(b). The plaintiff should be specific in stating the witnesses' expected testimony, because if their testimony is not material or is simply repetitive the court may in its discretion decline to order the subpoena of the witness. *See Cook v. Bounds*, 518 F.2d 779, 780 (4th Cir. 1975).

The parties are advised that whether the witness is subpoenaed by a pauper or not, Rule 45(c) requires that your subpoena must be accompanied by an attendance fee (\$40.00 per day), a subsistence fee (\$99.00 per day) if overnight stay is required, and actual expenses of a common carrier or mileage (58.5¢ per mile each way), or it need not be obeyed. The witness will be so informed by the subpoena. It is the responsibility of the party requesting

the subpoena to provide that money to the clerk's office for tender with the subpoena.

(c) *Subpoena by Non-Paupers*. Subpoenas may be served in accordance with FED.R.CIV.P. 45(b). If service by the United States Marshal is requested, the subpoena must be filed not less than 14 calendar days prior to the date of the trial and must contain the complete name and address of the witness. M.D. ALA. LR(a)(1).

8. *Production of Plaintiff*. The persons having custody of the plaintiff shall produce the plaintiff for proceedings set herein.

Done this 23rd day of May, 2016.

/s/Charles S. Coody
CHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE