Nelson v. Haynes et al (INMATE 2)(CONSENT)(DISC see [55] ORDER) Doc. 110

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, *et al.*,	)	
Defendants.	)	

O R D E R

Now pending before the court is the plaintiff's application to proceed *in forma pauperis* (doc. # 109) in which he seeks to have a subpoena issued without tendering the requisite fees. Regardless of whether the plaintiff is a pauper, FED.R.CIV.P. 45(c) requires that a subpoena 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 (54¢ per mile each way), or it need not be obeyed. Thus, the subpoena will issue. However, without the fees, the witness will be advised that she is not required to obey the subpoena. Accordingly, upon consideration of the motion, and for good cause, it is

ORDERED that, to the extent that the plaintiff seeks the issuance of a subpoena for R.N. Tamika Ward, the motion (doc. # 109) be and is hereby GRANTED. The Clerk of the Court is DIRECTED to issue the subpoena. To the extent that the plaintiff seeks to be have the court tender the fees, or be excused from tendering the fees, the motion be and is hereby DENIED.

Done this 23rd day of June, 2016.

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

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