

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

DON EARL LEWIS

PLAINTIFF

v.

Civil No. 4:12-cv-04100

MARTY BRAZELL; and  
ERICA CALLWOOD

DEFENDANT

DON EARL LEWIS

PLAINTIFF

V.

CIVIL NO. 4:12-cv-04139

STEPHEN WARD

DEFENDANT

**ORDER**

Plaintiff Don Lewis proceeds in this action *in forma pauperis* and pursuant to 42 U.S.C. § 1983. Plaintiff is currently incarcerated in the Arkansas Department of Corrections, Ouachita River Unit in Malvern, Arkansas (“ADC”). This matter is set for trial the week of August 24, 2015. On July 21, 2015, the Court issued an Order requesting Defendants produce Shane Johnston as a witness for trial. Defendants responded stating that Mr. Johnston is no longer employed with Miller County and provided his last known address under seal. (ECF No. 89).

Because Plaintiff proceeds in this matter *in forma pauperis*, the Court will issue subpoenas and writs for those of Plaintiff’s trial witnesses the Court deems appropriate. The Court has already determined Shane Johnston is an appropriate witness in its July 21, 2015 Order. Therefore, the Court will issue a subpoena for Shane Johnston for Plaintiff’s counsel to serve. The Court will also consider an application for reimbursement of service costs from Plaintiff’s counsel.

Accordingly, the Clerk of the Court is **DIRECTED** to issue a subpoena directed to Shane

Johnston at the address provided under seal by Defendants (ECF No. 89) requiring his presence before this Court in Texarkana, Arkansas on August 24, 2015 at 9:00 a.m. to testify in the above entitled proceeding. The Clerk is **DIRECTED** to mail the subpoena by certified mail with return receipt to Cory J. Floyd, Norton Wood LLP, 315 Main Street, Texarkana, Texas 75504. Plaintiff's counsel may then serve the subpoena on Mr. Johnston.

**IT IS SO ORDERED** this 4th day of August 2015.

//s/ Susan O. Hickey  
Susan O. Hickey  
United States District Judge