IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF CALIFORNIA

RODNEY BERRYMAN, Sr., Petitioner, vs. ROBERT K. WONG, as Acting Warden of San Quentin State Prison, Respondent	Case No. 1:95-cv-05309-AWI DEATH PENALTY CASE ORDER DIRECTING THE MARSHALL TO PAY DEPOSITION EXPENSES FOR FACT WITNESSES

On August 27, 2008, this Court entered an order approving the request of Petitioner Rodney Berryman, Sr. ("Berryman") to conduct the third-party depositions of Juror David Armendariz and trial counsel George Peterson. Berryman. On February 4, 2009, CJA appointed counsel Charles M. Bonneau filed a declaration advising the Court that the depositions of Mr. Armendariz and Mr. Peterson had been completed. Under the Guide to Judiciary Policies and Procedures, Volume VII, § 3.13(B), the United States Marshall for the District pays for fact witness depositions noticed and conducted by a habeas petitioner. *See also*, 28 U.S.C. § 1825(b).

In light of the completion of two fact-witness depositions conducted by Berryman's litigation team, the United States Marshall for the Eastern District is directed to pay the transcription and related fees associated with the depositions.

IT IS SO ORDERED.

DATE: April 28, 2009

/s/ Anthony W. Ishii
Anthony W. Ishii
United States District Judge

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