

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DONALD GLASS,

CASE NO. 1:04-cv-05466-OWW-SMS PC

Plaintiff,

ORDER DIRECTING CLERK OF THE COURT
TO SEND THE MONEY ORDER FOR
WITNESS FEES AND TRAVEL EXPENSES
FROM V. RANGEL TO MRS. MICHELLE
FRANKLIN AND REQUESTING STATUS ON
PAYMENT BY OTHER WITNESSES

v.

R. BEER, et al.,

Defendants.

(Doc. 241)

This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Plaintiff Donald Glass, a state prisoner proceeding pro se. This matter was set for jury trial to begin on May 11, 2010. However, on May 5, 2010, the parties entered into a stipulation for voluntary dismissal such that the trial was vacated. One of the unincarcerated witnesses (V. Rangel) whom was subpoenaed by Plaintiff has returned money order for witness fees and travel expenses which was served with the subpoena to compel appearance at trial. The Court recognized that Plaintiff would probably not be able to negotiate the money order in prison, and might desire it to be returned via the family member and/or acquaintance who originally assisted him in securing the money order. On May 10, 2010, an order issued directing Plaintiff to advise where he would like the Court to send the money order. (Doc. 234.) On June 21, 2010, an order issued directing Plaintiff to advise where the money order should be sent or it would be destroyed. (Doc. 238.) On July 6, 2010, Plaintiff filed a motion seeking to have the U.S. Marshal return all of the unincarcerated witness fees and travel expenses to Mrs. Michelle Franklin. (Doc. 241.)

1 Registered Nurse L.T. Koeppe, Sergeant D. B. Scaife, and Sergeant V. Rangel were all
2 served with subpoenas and money orders for witness fees and travel expenses commanding them
3 to appear at the trial of this case. (Docs. 235-237.) The Court is only in possession of the money
4 order numbered 17614221377, in the sum of \$100.17, which was returned by Sergeant Rangel –
5 Nurse Koeppe and Sergeant Scaife have not returned their witness fees.

6 It is HEREBY ORDERED that the Clerk's Office send the money order from V. Rangel
7 to Mrs. Michelle Franklin at 3142 W. 76th Street, Los Angeles, California, 90043. Further, the
8 Court requests that defense counsel, as an officer of the court, make an inquiry through the
9 litigation coordinator's office as to when Nurse Koeppe and Sergeant Scaife will be filing the
10 unused witness fees and travel expenses¹ with the Court.

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12 IT IS SO ORDERED.

13 **Dated: July 22, 2010**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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¹ If Nurse Koeppe and/or Sergeant Scaife have negotiated the money order received with their respective subpoenas, they should each obtain and file a separate money order in the sum of \$100.17, payable to Michelle Franklin.