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6 **UNITED STATES DISTRICT COURT**  
78 EASTERN DISTRICT OF CALIFORNIA  
910 DONALD GLASS, CASE NO. 1:04-cv-05466-OWW-SMS PC  
11 v. Plaintiff, ORDER DIRECTING CLERK OF THE COURT  
12 R. BEER, et al., WITNESS FEES AND TRAVEL EXPENSES  
13 Defendants. FRANKLIN AND REQUESTING STATUS ON  
14 / PAYMENT BY OTHER WITNESSES  
15 (Doc. 241)

16 This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Plaintiff Donald Glass, a  
17 state prisoner proceeding pro se. This matter was set for jury trial to begin on May 11, 2010.  
18 However, on May 5, 2010, the parties entered into a stipulation for voluntary dismissal such that  
19 the trial was vacated. One of the unincarcerated witnesses (V. Rangel) whom was subpoenaed by  
20 Plaintiff has returned money order for witness fees and travel expenses which was served with the  
21 subpoena to compel appearance at trial. The Court recognized that Plaintiff would probably not  
22 be able to negotiate the money order in prison, and might desire it to be returned via the family  
23 member and/or acquaintance who originally assisted him in securing the money order. On May  
24 10, 2010, an order issued directing Plaintiff to advise where he would like the Court to send the  
25 money order. (Doc. 234.) On June 21, 2010, an order issued directing Plaintiff to advise where  
26 the money order should be sent or it would be destroyed. (Doc. 238.) On July 6, 2010, Plaintiff  
27 filed a motion seeking to have the U.S. Marshal return all of the unincarcerated witness fees and  
28 travel expenses to Mrs. Michelle Franklin. (Doc. 241.)

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

It is HEREBY ORDERED that the Clerk's Office send the money order from V. Rangel to Mrs. Michelle Franklin at 3142 W. 76<sup>th</sup> Street, Los Angeles, California, 90043. Further, the Court requests that defense counsel, as an officer of the court, make an inquiry through the litigation coordinator's office as to when Nurse Koeppé and Sergeant Scaife will be filing the unused witness fees and travel expenses<sup>1</sup> with the Court.

IT IS SO ORDERED.

Dated: July 22, 2010

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup>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.