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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DONALD GLASS,

Plaintiff,

v.

R. BEER, et al.,

Defendants.

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

ORDER DIRECTING CLERK OF THE COURT
TO MAIL WITNESS FEES AND TRAVEL
EXPENSES RECEIVED TO MICHELLE
FRANKLIN

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.

On May 10, 2010, an order issued directing Plaintiff to advise where he would like the Court to send the money order received from one of the three unincarcerated witnesses (J. Rangel). (Doc. 234.) On July 6, 2010, Plaintiff advised via motion that he desired returned unincarcerated witness fees money orders to be sent to “Mrs. Michelle Franklin, 3142 W. 76th Street, Los Angeles, CA 90043.” (Doc. 241.) The money order was sent to Mrs. Franklin on July 22, 2010. (Doc. 242.)

On January 12, 2011, a money order was received from a second unincarcerated witness (Nurse Koepp). The Court recognized that, due to the passage of time, Mrs. Franklin’s residential address may have changed and so requested Plaintiff to advise whether he desired the money order from Nurse Koepp to be sent to Mrs. Franklin at the address on 76th Street, or if he desired the money order from Nurse Koepp to be sent to someone else. (Doc. 244.) On January 14, 2011, it

1 was ordered that, if Plaintiff did not respond within twenty (20) days, the money order from Nurse
2 Koepe would be sent to Mrs. Franklin at the address on 76th Street. (*Id.*) Plaintiff did not respond
3 such that, on February 10, 2011, these witness fees and travel expenses were sent to Mrs. Franklin
4 at the address on 76th Street.

5 On March 29, 2011, the California Department of Corrections and Rehabilitation – Corcoran
6 State Prison submitted witness fees and travel expenses from the third unincarcerated witness (Sgt.
7 Scaife).

8 In light of Plaintiff’s lack of response to the order of January 14, 2011, IT IS HEREBY
9 ORDERED that the Clerk of the Court send the witness fees and travel expenses received from
10 unincarcerated witness Sgt. Scaife to Mrs. Michelle Franklin, 3142 W. 76th Street, Los Angeles, CA
11 90043.

12
13 IT IS SO ORDERED.

14 **Dated:** April 6, 2011

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE