

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DONALD GLASS,	CASE NO. 1:04-CV-05953-AWI-DLB PC
Plaintiff,	ORDER PROVIDING TRAVEL EXPENSE
v.	FOR PLAINTIFF’S PROPOSED
A. K. SCRIBNER, et al.,	UNINCARCERATED WITNESSES
Defendants.	(DOCS. 178, 179, 180)
	RESPONSE DUE WITHIN 10 DAYS

_____ /

Plaintiff Donald Glass (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s amended complaint against Defendants Bailey, Beebe, Botello, Bryant, Case, Diaz, Kraay, Lawton, and Dang.

Pursuant to the Court’s Second Scheduling Order, Plaintiff was required to notify the Court of the names and location of each unincarcerated witness he intends to call at trial. The Court would then inform the Plaintiff of the travel expense for each witnesses and require Plaintiff to submit a money order, made payable to the witness. The appropriate amount is a daily fee of \$40.00 plus travel expenses. 28 U.S.C. § 1821. Plaintiff is required to submit these money orders prior to the issuance of any subpoena. Because trial is set for November 30, 2010, the Court will require Plaintiff to submit money orders within ten days from the date of service of this order in order for the United States Marshal to serve these subpoenas.

///

1 **I. Witness G. Tracy**

2 Plaintiff wishes to call lieutenant G. Tracy as a witness. Plaintiff lists the location of
3 lieutenant G. Tracy as Corcoran State Prison. The round trip mileage from Corcoran to Fresno
4 is 105.8 miles. The mileage rate is \$.50 per mile. The total mileage fee is \$52.90. Accordingly,
5 for witness G. Tracy, Plaintiff must submit a further money order made payable to the witness in
6 the amount of **\$92.90**.

7 **II. Witness A. K. Scribner**

8 Plaintiff wishes to call former warden A. K. Scribner as a witness. Plaintiff lists the
9 location of A. K. Scribner as Corcoran State Prison, though Plaintiff acknowledges that warden
10 Scribner is retired and thus is no longer employed at Corcoran State Prison. The round trip
11 mileage from Corcoran to Fresno is 105.8 miles. The mileage rate is \$.50 per mile. The total
12 mileage fee is \$52.90. Accordingly, for witness A. K. Scribner, Plaintiff must submit a further
13 money order made payable to the witness in the amount of **\$92.90**.

14 **III. Witness S. Raman**

15 Plaintiff wishes to call medical doctor S. Raman as a witness. Plaintiff lists the location
16 of S. Raman as Corcoran State Prison. The round trip mileage from Corcoran to Fresno is 105.8
17 miles. The mileage rate is \$.50 per mile. The total mileage fee is \$52.90. Accordingly, for
18 witness S. Raman, Plaintiff must submit a further money order made payable to the witness in
19 the amount of **\$92.90**.

20 IT IS SO ORDERED.

21 **Dated: October 13, 2010**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE