

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

CARLOS QUIROZ,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS AND  
REHABILITATION, et al.,

Defendants.

CASE NO. 1:06-CV-01426-OWW-DLB PC

ORDER PROVIDING TRAVEL EXPENSE  
FOR PLAINTIFF'S PROPOSED  
UNINCARCERATED WITNESSES

(DOC. 47)

RESPONSE DUE WITHIN 20 DAYS

Plaintiff Carlos Quiroz ("Plaintiff") is a prisoner in the custody of the California Department of Corrections and Rehabilitation ("CDCR"). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff's complaint against Defendants Shen and Attygalla for violation of the Eighth Amendment.

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. The Court will require Plaintiff to submit money orders within twenty days from the date of service of this order in order for the United States Marshal to serve these subpoenas.

1 **I. Witness Roger Low**

2 Plaintiff wishes to call medical doctor Roger Low as a witness. Plaintiff lists the location  
3 of Roger Low as 4860 Y Street, Suite 2200, Sacramento, CA 95817. The round trip mileage  
4 from Sacramento to Fresno is 338 miles. The mileage rate is \$0.50 per mile. The total mileage  
5 fee is \$169.00. Accordingly, for witness Roger Low, plaintiff must submit a further money order  
6 made payable to the witness in the amount of **\$209.00**.

7 **II. Witness Bruce Stone**

8 Plaintiff wishes to call medical doctor Bruce Stone as a witness. Plaintiff lists the  
9 location of Bruce Stone as Mercy Hospital, 2215 Truxtun Avenue, Bakersfield, CA 93301. The  
10 round trip mileage from Bakersfield to Fresno is 220 miles. The mileage rate is \$0.50 per mile.  
11 The total mileage fee is \$110.00. Accordingly, for witness Bruce Stone, Plaintiff must submit a  
12 further money order made payable to the witness in the amount of **\$150.00**.

13 **III. Witness Rejenda Dwivide**

14 Plaintiff wishes to call medical doctor Rejenda Dwivide as a witness. Plaintiff lists the  
15 location of Rejenda Dwivide as 900 Quebec Avenue, Corcoran, CA 93212. The round trip  
16 mileage from Corcoran to Fresno is 111 miles. The mileage rate is \$0.50 per mile. The total  
17 mileage fee is \$55.50. Accordingly, for witness Rejenda Dwivide, Plaintiff must submit a further  
18 money order made payable to the witness in the amount of **\$95.50**.

19 IT IS SO ORDERED.

20 **Dated: October 26, 2010**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE