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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAN REED)	1:06-CV-01757 OWW JMD HC
)	
Petitioner,)	
)	ORDER AUTHORIZING ISSUANCE OF
v.)	SUBPOENAS AND PAYMENT OF
)	WITNESSES
LYDIA HENSE,)	
)	
Respondent.)	

Petitioner is state prisoner proceeding in forma pauperis with a petition for writ of habeas corpus under 28 U.S.C. § 2254.

On February 9, 2009, the Court ordered an evidentiary hearing for April 30, 2009 at 8:45 a.m.

On April 14, 2009, Petitioner filed a request for the Court to subpoena two witnesses, Thomas R. Snyder and Hendrika Anderson, pursuant to Rule 17(b) of the Federal Rules of Criminal Procedure. In conjunction with the subpoena request, Petitioner asks that the Court authorize payment of the statutory witness fees and mileage by the United States Marshall Service.

The Court notes that obtaining subpoenas is governed by 28 U.S.C. § 1825(b), which provides that:

In proceedings in forma pauperis for a writ of habeas corpus, and in proceedings in forma pauperis under section 2255 of this title, the United States marshal for the district shall pay, on the certificate of the district judge, all fees of witnesses for the party authorized to proceed in forma pauperis, except that any fees of witnesses for such party, other than experts, appearing pursuant to subpoenas issued upon approval of the court, shall be paid by the United States marshal for the district--

(1) on the certificate of a Federal public defender or assistant Federal public defender, in any such proceedings in which a party is represented by such

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Federal public defender or assistant Federal public defender, and
(2) on the certificate of the clerk of the court upon the affidavit of such
witnesses' attendance given by other counsel appointed pursuant to section
3006A of title 18, in any such proceedings in which a party is represented by
such other counsel.

Accordingly, the Court authorizes issuances of the requested subpoenas to Thomas R. Snyder
and Hendrika Anderson, and payment of witnesses by the United States Marshal's Office, pursuant
to 28 U.S.C. § 1825(b)(2).

IT IS SO ORDERED.

Dated: April 16, 2009

/s/ John M. Dixon
UNITED STATES MAGISTRATE JUDGE