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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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9 DERWIN JULES JACKSON,

10 Plaintiff,

11 v.

12 W. SULLIVAN, et al.,

13 Defendants.
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1:07-cv-00178-DAD-GSA-PC

**ORDER DIRECTING PERSONAL
SERVICE OF CIVIL SUBPOENAS
UPON PROSPECTIVE WITNESSES
BY THE UNITED STATES
MARSHALS SERVICE, WITHOUT
PREPAYMENT OF COSTS**

16 This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Plaintiff Derwin Jules
17 Jackson, a state prisoner proceeding with counsel and *in forma pauperis*. This case is
18 scheduled for jury trial on March 6, 2018, at 1:00 p.m., before the Honorable Dale A. Drozd.

19 On January 5, 2018, Plaintiff filed notice (ECF No. 112) that he mailed the following
20 documents to the court in compliance with the court's order issued on December 21, 2017
21 (ECF No. 109), to initiate service of civil subpoenas upon prospective witnesses Lt. Trayham
22 and N. Grannis:

- 23 1. Subpoenas for Lt. Traynham and N. Grannis;
24 2. Completed USM-285 forms; and
25 3. Money orders for the witnesses' travel expenses and witness fees.

26 On January 9, 2018, the court received Plaintiff's documents. The court finds
27 Plaintiff's subpoenas, money orders, and USM-285 forms appropriate for personal service by
28 the U.S. Marshals Service. Fed. R. Civ. P. 45; 28 U.S.C. § 566(c).

1 Accordingly, it is HEREBY ORDERED that:

- 2 1. For each prospective witness to be served, the Clerk of the Court is directed to
3 forward the following documents to the U.S. Marshals Service:
4 a. One (1) completed and issued civil subpoena;
5 b. One (1) completed USM-285 form;
6 c. A money order made payable to the prospective witness; and
7 d. Two (2) copies of this order, one to accompany the subpoena and one for
8 the U.S. Marshals Service;
- 9 2. Within **FOURTEEN (14) DAYS** from the date of service of this order, the U.S.
10 Marshals Service is **DIRECTED** to effect **personal service** of the subpoenas and
11 money orders, along with a copy of this order, upon the individuals named in the
12 subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure and 28
13 U.S.C. § 566(c):

14 **LT. TRAYNHAM**

15 **N. GRANNIS**

- 16 3. The U.S. Marshals Service is **DIRECTED** to retain a copy of each subpoena in
17 its file for future use;
- 18 4. Within **TEN (10) DAYS** after personal service is effected, the U.S. Marshals
19 Service **SHALL** file the return of service, along with the costs subsequently
20 incurred in effecting service. Said costs shall be enumerated on the USM-285
21 form and shall include the costs incurred by the U.S. Marshal Service for
22 photocopying additional copies of the subpoenas and USM-285 forms, and for
23 preparing new USM-285 forms, if required.

24
25 IT IS SO ORDERED.

26 Dated: January 10, 2018

27 /s/ Gary S. Austin
28 UNITED STATES MAGISTRATE JUDGE