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3
4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF CALIFORNIA
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7 DERWIN JULES JACKSON,

8 Plaintiff,

9 v.

10 W. SULLIVAN, et al.,

11 Defendants.
12

1:07-cv-00178-DAD-GSA-PC

ORDER DIRECTING CLERK TO RETURN
MONEY ORDERS TO PLAINTIFF

13 **I. BACKGROUND**

14 Derwin Jules Jackson (“Plaintiff”) is a state prisoner proceeding with counsel and *in*
15 *forma pauperis* with this civil rights action brought pursuant to 42 U.S.C. § 1983. On February
16 8, 2018, a settlement conference was held at the court before Magistrate Judge Erica P.
17 Grosjean and the case settled. (ECF No. 128.)

18 **II. CIVIL SUBPOENAS AND MONEY ORDERS**

19 On January 5 and January 26, 2018, Plaintiff requested the court to initiate service of
20 civil subpoenas upon prospective trial witnesses, Lt. Traynham, N. Grannis, and Rick Manuel,
21 to compel their attendance at trial on March 6, 2018. (ECF Nos. 112, 120.) Plaintiff submitted
22 the appropriate documents for service, including three money orders for witness fees: (1)
23 money order #69694358558 in the amount of \$212.22 made payable to Lt. T. Traynham, (2)
24 money order #69694358569 in the amount of \$223.12 made payable to N. Grannis, and (3)
25 money order #69694359042 in the amount of \$223.12 made payable to Rick Manuel. (Court
26 Record.)

27 On January 10 and January 31, 2018, the court issued orders directing the U.S. Marshal
28 (“Marshal”) to serve the subpoenas. (ECF Nos. 115, 122.) The Marshal was directed to

1 personally serve a subpoena, a USM-285 form, and a money order for payment of witness fees
2 on each of the three prospective witnesses. (Id.)

3 Lt. Traynham was successfully served on January 17, 2018, and on January 24, 2018,
4 the Marshal filed a return of service executed. (ECF No. 119.) Service upon N. Grannis was
5 unsuccessful because the Marshal was unable to locate N. Grannis using the address given, and
6 on February 5, 2018, the Marshal filed a return of service unexecuted. (ECF No. 126.) On
7 January 31, 2018, the money order for N. Grannis's witness fees -- money order #69694358569
8 in the amount of \$223.12 made payable to N. Grannis -- was returned to the court.

9 When the case settled on February 8, 2018, service of the subpoena upon Rick Manuel
10 had not been completed. As a result of the settlement, the court vacated all pending deadlines
11 and hearings, including the trial, (ECF No. 128), and on February 15, 2018, the money order
12 for Rick Manuel's witness fees -- money order #69694359042 in the amount of \$223.12 made
13 payable to Rick Manuel -- was returned to the court.

14 The court is now in possession of the two money orders, one made payable to Lt.
15 Traynham and the other to Rick Manuel, which shall be returned to Plaintiff.

16 **III. CONCLUSION**

17 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall return to
18 Plaintiff the two money orders discussed above:

- 19 (1) Money order #69694358569 in the amount of \$223.12 made payable to N.
20 Grannis; and
21 (2) Money order #69694359042 in the amount of \$223.12 made payable to Rick
22 Manuel.

23
24 IT IS SO ORDERED.

25 Dated: February 16, 2018

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