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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRANDON RACKLIFFE,

Plaintiff,

v.

ROCHA, et al.,

Defendants.

CASE NO. 1:07-cv-00603-MJS PC

ORDER REGARDING WITNESS FEES

MONEY ORDERS DUE JANUARY 11,
2013

_____ /

Plaintiff Brandon Rackliffe is a California state prisoner proceeding pro se in this civil action pursuant to 42 U.S.C. § 1983. This case is proceeding on Plaintiff's complaint, filed April 20, 2007, against Defendants Rocha and Medina for excessive force in violation of the Eighth Amendment. All parties have consented to jurisdiction by a United States Magistrate Judge.

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 witness he wishes to subpoena 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 and service by the United States Marshal.¹ To provide Plaintiff with a reasonable time to comply, the Court will require Plaintiff to submit money orders by

¹ Though Plaintiff is not proceeding in forma pauperis, the Court finds that having the United States Marshal effect service of the subpoenas will expedite trial in this matter.

1 **January 11, 2013.**

2 Plaintiff intends to call several CDCR officials as witnesses. Plaintiff lists the
3 location of these witnesses at Kern Valley State Prison, which is located at 3000 West
4 Cecil Avenue in Delano, California. The round trip mileage from Delano to Fresno is
5 154.8 miles. The mileage rate is 55.5 cents per mile. The total mileage fee is \$ 85.91.
6 Accordingly, for all witnesses from Kern Valley State Prison whom Plaintiff wishes to
7 subpoena, Plaintiff must submit a money order made payable to each witness in the
8 amount of \$ 125.91.

9 IT IS SO ORDERED.

10 Dated: December 21, 2012

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE