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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GARRISON S. JOHNSON,
Plaintiff,
v.
A. DUNNAHOE, et al.,
Defendants.

Case No. 1:08-cv-00640-LJO-DLB PC
ORDER REGARDING WITNESS FEES
(ECF No. 192)

Plaintiff Garrison S. Johnson (“Plaintiff”) is a California state prisoner proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendants Dunnahoe, V. Ybarra, Cunningham, Medrano, Holguin, Valasquez, G. Ybarra, Curliss, J. Gonzales, and K. Powell on claims of excessive force, inhumane conditions of confinement, retaliation, and state law claims. This matter is set for jury trial on March 5, 2012.

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. To provide Plaintiff with a reasonable time to comply, the Court will require Plaintiff to submit money orders by **February 1, 2013**.

1 Plaintiff intends to call acting Warden Matthew Stainer¹ of California Correctional Institution
2 (“CCI”), or the Custodian of Records for CCI, as a witness. Plaintiff intends to subpoena this
3 witness to authenticate several documents.² Plaintiff lists the location of the witness at 24900
4 Highway 202, Tehachapi, California, the address of CCI. The round trip mileage from Tehachapi to
5 Fresno is 314 miles. The mileage rate is 55.5 cents per mile. The total mileage fee is \$ 174.27.
6 Accordingly, for all witnesses from CCI whom Plaintiff wishes to subpoena, Plaintiff must submit a
7 money order made payable to **each** witness in the amount of \$ 214.27.

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10 IT IS SO ORDERED.

11 Dated: November 21, 2012

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

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26 ¹ The acting Warden of CCI is currently Kim Holland.

27 ² This may be unnecessary if Defendants are willing to stipulate to the authenticity of the documents with a
28 declaration from the Custodian of Records for CCI. The parties may wish to discuss this matter prior to the February 1,
2013 telephonic trial confirmation hearing.

Plaintiff also requests that the subpoenaed witness bring documents with him. That request is denied. Most of
these documents were produced during the course of discovery. To the extent that Plaintiff does not have physical
possession of these documents, Defendants’ counsel may be required to facilitate the production of the documents for
trial.