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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Case No. 1:08-cv-00658-AWI-DLB PC

ALFRED C. LOMBARDELLI,
Plaintiff,
v.
K. HALSEY, et al.,
Defendants.

**ORDER NOTIFYING PLAINTIFF OF
WITNESS FEES AND COSTS TO
SUBPOENA UNINCARCERATED
WITNESSES WHO REFUSE TO TESTIFY
VOLUNTARILY**

(ECF No. 121)

_____ /

Plaintiff Alfred C. Lombardelli (“Plaintiff”) is a prisoner proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983. This action is set for jury trial on April 22, 2014, before the Honorable Anthony W. Ishii. Pursuant to the Court’s scheduling order filed on July 24, 2013, Plaintiff was informed that if he wishes to have the Marshal serve any unincarcerated witnesses who refuse to testify voluntarily, he must submit money orders for the witnesses to the Court.

On January 6, 2014, Plaintiff filed notices of the names and locations of two unincarcerated witnesses he wishes to have testify at trial. The witnesses are or were employed at California State Prison-Corcoran. Plaintiff is notified that for each witness, he must submit a money order in the amount of \$101.26, made payable to witness, to the Court no later than March

1 14, 2014.¹ No witness will be served with a subpoena absent the timely submission of a money
2 order. To the extent Plaintiff is unsure where the witness is currently located, the Court and the
3 Marshal cannot and will not conduct an investigation on Plaintiff's behalf. Ascertaining the
4 location of Plaintiff's non-incarcerated witnesses is Plaintiff's responsibility. If Plaintiff submits
5 the money orders as required, the Court will direct the Marshal to serve the witnesses at the
6 location provided by Plaintiff, which, at this time, is CSP-Corcoran.

7 Accordingly, pursuant to the Second Scheduling Order, if Plaintiff wishes to have
8 Correctional Officers E. Barron and J. Cole served with summonses to testify at trial, he must
9 submit, for each witness, a money order made out to that witness in the amount of \$101.26. The
10 Court cannot accept cash, and the money orders may not be made out to the Court. The money
11 orders must be made out in the witness's name.

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IT IS SO ORDERED.

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Dated: February 28, 2014

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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¹ The daily witness fee of \$40.00, plus \$61.26 for round trip mileage for one day. 28 U.S.C. § 1821. It is 109.4 miles,
28 round trip, from CSP-Corcoran to the courthouse, and the current mileage reimbursement rate is 56 cents per mile.

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