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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

Willie D. Randle,  
Plaintiff,  
vs.  
L. V. Franklin et al.,  
Defendant.

No. CV-08-00845-JAT

**ORDER**

The Clerk of the Court has informed the Court that on February 28, 2011 at the close of business, Plaintiff submitted four money orders of \$40.00 each in connection with Plaintiff's request that the United States Marshal serve subpoenas upon four unincarcerated witnesses to compel their attendance at the trial scheduled for March 22, 2011. However, Plaintiff failed to pay in advance each witness's travel expenses as required in 28 U.S.C. § 1821, which the Court directed Plaintiff to pay in its Order dated February 9, 2011 (Doc. # 89).

Further, Plaintiff has failed to tender to the Clerk of the Court the daily witness fee plus the witness's travel expenses necessary for the United States Marshal to effectuate service by February 25, 2011, the deadline set by the Court (Doc. # 89).

Accordingly, because Plaintiff failed to provide the Clerk of the Court with sufficient funds to subpoena witnesses pursuant to 28 U.S.C. § 1821, and because the insufficient funds

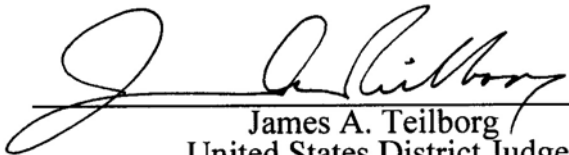
1 received by the Clerk of the Court were untimely pursuant to the Court's Order,

2 **IT IS HEREBY ORDERED** that the Clerk of the Court shall return the four money  
3 orders to the person(s) who delivered the money orders to the Court on behalf of Plaintiff,  
4 together with a copy of this Order.

5 **IT IS FURTHER ORDERED** that subpoenas described in Docket 87 and 88 will be  
6 not be served by the United States Marshal, and are effectively quashed.

7 DATED this 1st day of March, 2011.

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James A. Teilborg  
United States District Judge