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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DONALD GLASS,

Plaintiff,

v.

R. FIELDS, et al.,

Defendants.

CASE NO. 1:09-cv-00098-AWI-BAM PC

ORDER GRANTING IN PART AND DENYING
IN PART PLAINTIFF’S MOTION FOR AN
EXTENSION OF TIME TO SUBMIT FEES FOR
THE ATTENDANCE OF UNINCARCERATED
WITNESSES

(ECF No. 140)

_____ /

Plaintiff Donald Glass (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On November 19, 2012, the Court partially granted Plaintiff’s motion for the attendance of unincarcerated witnesses at trial. In the order, the Court instructed Plaintiff that to have Chief Deputy Warden Lonnie Watson, Radiologist Huo, Facility Captain R. Halberg, Lieutenant Daniel Indendi, and Facility Captain Lopez served with summonses to testify at trial, Plaintiff must submit a money order for each witness by January 11, 2013. (ECF No. 123.) Plaintiff submitted money orders for Radiologist Huo, Facility Captain R. Halberg and Facility Captain R. Lopez and, on January 9, 2013, the Court issued an order directing service of subpoenas on these three unincarcerated witnesses. (ECF No. 137.)

On January 14, 2013, Plaintiff filed a motion requesting a 21-day extension of time to tender money orders for each of the unincarcerated witnesses. Plaintiff explains that he did not receive the Court’s order directing submission of money orders until December 22, 2012, and that he requires additional time to submit money orders. (ECF No. 140.) On January 16, 2013, Defendants filed a

1 statement of non-opposition to Plaintiff's motion for additional time.

2 As noted above, Plaintiff has submitted the necessary money orders for three of the five
3 unincarcerated witnesses. However, the Court finds good cause to extend the time for Plaintiff to
4 submit the necessary money orders for the remaining unincarcerated witnesses, Chief Deputy Lonnie
5 Watson and Lieutenant Daniel Indendi. Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Plaintiff's motion for a 21-day extension of time to submit witness fees is
7 GRANTED IN PART and DENIED IN PART;
- 8 2. Plaintiff shall have an additional 21-days from the date of service of this order to
9 submit money orders for Chief Deputy Warden Lonnie Watson and Lieutenant
10 Daniel Indendi.

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12 IT IS SO ORDERED.

13 **Dated: January 18, 2013**

14 /s/ Barbara A. McAuliffe
15 UNITED STATES MAGISTRATE JUDGE
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