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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

LAMONT SHEPARD,	CASE NO. 1:09-cv-00809-LJO-BAM PC
Plaintiff,	ORDER DENYING PLAINTIFF’S MOTION FOR
v.	THE ATTENDANCE OF WITNESSES
T. QUILLEN, et al.,	(ECF No. 91)
Defendants.	

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Plaintiff Lamont Shepard (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s first amended complaint, filed September 16, 2010, against Defendant T. Quillen for excessive force in violation of the Eighth Amendment and J. Wise for retaliation in violation of the First Amendment, and is set for trial on March 19, 2013, before the Honorable Lawrence J. O’Neill. Pursuant to the Court’s scheduling order filed on July 13, 2012, 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 no later than December 28, 2012. On August 2, 2012, Plaintiff filed a motion for the attendance of unincarcerated witnesses, who have not agreed to testify voluntarily.

Plaintiff requests the attendance of Defendants Quillen and Wise. Defendants Quillen and Wise will be present for trial, and Plaintiff does not need to file a motion to ensure their attendance. Additionally, Plaintiff requests the attendance of T. Fujioka, Sgt. Allen, and R. Lowe. In the second scheduling order, Plaintiff was informed that to obtain the attendance of unincarcerated witnesses

1 who refuse to testify voluntarily he must submit the name and **location** of each witness. (Sec.  
2 Scheduling Order 4:1-4.) Plaintiff has failed to give the location of the witnesses, and the Court  
3 declines to guess where these witnesses are to be served in order to calculate the travel fees for each  
4 witness. Accordingly, Plaintiff's motion for the attendance of witnesses, filed August 2, 2012, is  
5 HEREBY DENIED, without prejudice.

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8 IT IS SO ORDERED.

9 **Dated: August 2, 2012**

**/s/ Barbara A. McAuliffe**  
UNITED STATES MAGISTRATE JUDGE