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

THOMAS BLAKE KENNEDY,  
  
                    Plaintiff,  
  
          v.  
  
F. GONZALEZ,  
  
                    Defendant.

Case No. 1:09-cv-01161-AWI-SKO (PC)  
  
ORDER NOTIFYING PLAINTIFF OF FEES  
NEEDED TO OBTAIN ISSUANCE AND  
SERVICE OF SUBPOENAS AD  
TESTIFICANDUM FOR WITNESSES  
PAYAN, GENTRY, AND STEINBERG,  
AND GRANTING REQUEST FOR  
EXTENSION OF DEADLINE TO SUBMIT  
MONEY ORDERS  
  
(Docs. 64 and 68)  
  
Money Order Submission Deadline: 04/25/2014

\_\_\_\_\_ /

Plaintiff Thomas Blake Kennedy, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on July 6, 2009. This case is set for jury trial on June 10, 2014, before the Honorable Anthony W. Ishii. Pursuant to Plaintiff’s notice of intent to call unincarcerated witnesses who refuse to testify voluntarily, filed on January 21, 2014, and Plaintiff’s request for clarification of the scheduling order, filed on March 26, 2014, the Court orders as follows.

Plaintiff intends to call Correctional Officer Jennifer Payan, Lieutenant Gentry, and physical therapist Daniel Steinberg to testify. These witnesses are not willing to testify

1 voluntarily, and Plaintiff represents his willingness and ability to pay requisite the witness fees to  
2 obtain their attendance at trial.

3 C/O Payan and Lt. Gentry work at California Correctional Institution (“CCI”) in  
4 Tehachapi. For the United States Marshal to serve them with subpoenas, Plaintiff must submit  
5 two money orders in the amount of \$215.84, made payable to each witness.<sup>1</sup> 28 U.S.C. § 1821.  
6 For Mr. Steinberg, Plaintiff must submit a money order in the amount of \$208.00, made payable to  
7 Daniel Steinberg.<sup>2</sup> *Id.*

8 With respect to Plaintiff’s request for clarification regarding the fees, the money orders  
9 should be mailed to the Clerk of the Court and they should bear Plaintiff’s case number, but they  
10 do not need to be sent by Plaintiff directly. If Plaintiff has a family member or friend who is  
11 willing and able to obtain the money orders and send them to the court, he or she made do so. An  
12 electronic funds transfer is not an available means of sending the fees, because the fees, in the  
13 form of money orders, accompany with subpoenas and are tendered directly to the witnesses at the  
14 time of service.

15 Regarding Plaintiff’s concern about meeting the April 14, 2014, deadline, the Court will  
16 extend the deadline to April 25, 2014, which should give Plaintiff sufficient time to comply.

17 Accordingly, based on the foregoing, it is HEREBY ORDERED that:

18 1. The deadline to submit money orders for unincarcerated witnesses who refuse to  
19 testify voluntarily is extended from April 14, 2014, to April 25, 2014; and

20 2. For the Court to order the United States Marshal to serve the witnesses with  
21 subpoenas ad testificandum, Plaintiff must submit money orders as follows:

- 22 a. A money order for \$215.84 made payable to Jennifer Payan;
- 23 b. A money order for \$215.84 made payable to Lt. Gentry;<sup>3</sup> and

24 ///

25 ///

26 \_\_\_\_\_  
27 <sup>1</sup> Mileage reimbursement is .56 cents per mile and CCI is located 157 miles from the courthouse.

28 <sup>2</sup> The address provided for Mr. Steinberg is 150 miles from the courthouse.

<sup>3</sup> If Plaintiff knows Lt. Gentry’s first name or first initial, he should include it on the money order.

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c. A money order for \$208.84 made payable to Daniel Steinberg.

IT IS SO ORDERED.

Dated: March 27, 2014

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE