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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT EARL SAMUELS,

 Plaintiff,

 v.

G. ADAME, et al.,

 Defendants.

Case No. 1:09-cv-01320-AWI-DLB PC
ORDER REGARDING WITNESS FEES

(ECF No. 69)

Plaintiff Robert Earl Samuels (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is 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 against Defendants G. Adame, P. Gentry, B. Medrano, R. Nicholas, F. Rivera, E. Sailer, and D. Snyder for excessive force, and against Defendant C. Farnsworth for deliberate indifference to a serious medical need in violation of the Eighth Amendment.

Pursuant to the Court’s Second Scheduling Order, Plaintiff was required to notify the Court of the names and location of each unincarcerated witness he intends to call at trial. The Court would then inform the Plaintiff of the travel expense for each witness he wishes to subpoena and require Plaintiff to submit a money order, made payable to the witness. The appropriate amount is a daily fee of \$40.00 plus travel expenses. 28 U.S.C. § 1821. Plaintiff is required to submit these money orders prior to the issuance of any subpoena. To provide Plaintiff with a reasonable time to comply,

1 the Court will require Plaintiff to submit money orders by **February 4, 2013**.

2 Plaintiff intends to call Sergeant D. Vela, Correctional Officer B. Killian, and Correctional
3 Officer Valdez as witnesses. Plaintiff lists the location of these witnesses at 24900 Highway 202,
4 Tehachapi, California, the address of California Correctional Institution. The round trip mileage
5 from Tehachapi to Fresno is 314 miles. The mileage rate is 55.5 cents per mile. The total mileage
6 fee is \$ 174.27. Accordingly, for all witnesses from California Correctional Institution whom
7 Plaintiff wishes to subpoena, Plaintiff must submit a money order made payable to **each** witness in
8 the amount of \$ 214.27.

9
10 IT IS SO ORDERED.

11 Dated: October 17, 2012

/s/ Dennis L. Beck
12 UNITED STATES MAGISTRATE JUDGE