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

THOMAS GOOLSBY,  
Plaintiff,  
vs.  
M. CARRASCO, et al.,  
Defendants.

Case No. 1:09-cv-01650 JLT (PC)  
ORDER REGARDING MOTION FOR THE  
ATTENDANCE OF UNINCARCERATED  
WITNESSES  
(Doc. 58)

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In its July 5, 2011 scheduling order, the Court notified Plaintiff that to the extent that he sought the attendance of unincarcerated witnesses who refuse to testify at trial, he must notify the Court the name and location of the unincarcerated witness. (Doc. 55 at 3.) The Court would then calculate the travel expenses for the witness and notify Plaintiff of the amount. (Id. at 3-4.) Plaintiff would then be required to submit a money order to the Court for the amount indicated. (Id. at 4.)

On July 27, 2011, Plaintiff filed notice with the Court indicating that he wishes to compel the appearance of two unincarcerated witnesses at trial: Defendant Gonzales and Dr. Ponder. (Doc. 58 at 1.) Plaintiff, however, did not provide the Court with the location of these individuals. Presumably, both can be found at the California Correctional Institution, but the Court cannot be sure. Therefore, Plaintiff will be required to provide additional information on this issue.

In a related matter, Plaintiff has indicated that Dr. Ponder has agreed to waive all transportation expenses required for his attendance but still requires a subpoena because the California Department of

1 Rehabilitation and Corrections will not allow him to testify without a subpoena. (Id. at 2.) Plaintiff is  
2 advised that he must still post a money order for Dr. Ponder's attendance even if he has agreed to waive  
3 the expenses. The United States Marshal will not serve the subpoena without the money order. If Dr.  
4 Ponder has indeed agreed to waive the expenses, the money order will be refunded to Plaintiff upon  
5 completion of trial.

6 Accordingly, it is **HEREBY ORDERED** that within twenty-one (21) days of the date of this  
7 order Plaintiff shall provide additional information regarding the location of Defendant Gonzales and  
8 Dr. Ponder.

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10 IT IS SO ORDERED.

11 Dated: August 1, 2011

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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