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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EMERY I. FRANKLIN,
Plaintiff,
v.
UNITED STATES,
Defendant.

Case No. 1:10-cv-00142-LJO-MJS (PC)
NOTICE OF NON-RECEIPT OF WITNESS FEES
(ECF No. 108)

Plaintiff is a federal prisoner proceeding pro se and in forma pauperis in this Federal Tort Claims Act ("FTCA") action. Trial is set for August 12, 2014.

Plaintiff was advised that to subpoena unincarcerated witnesses to trial, he must submit, not later than May 16, 2014, money orders to cover witnesses' fees.

A March 9, 2014 letter filed with the Court Plaintiff states it encloses money orders for witnesses Holeman, Ogues, Dean and Sahota (see ECF No. 108). **No money orders were included with the letter.**

No witness will be subpoenaed unless and until the required money orders are actually received by the court.

If Plaintiff wishes to subpoena these witnesses, he must submit money orders in the

1 amounts previously specified by the Court not later than May 16, 2014. Without the money
2 orders, no subpoena will issue and no witness will be served by the United States Marshal.

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IT IS SO ORDERED.

Dated: March 31, 2014

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE