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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)
**SECOND NOTICE OF NON-RECEIPT OF
WITNESS FEES**
(ECF No. 110)

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 witness fees.

On March 31, 2014, the Court notified Plaintiff that fees for witnesses Holeman, Ogues, Dean and Sahota had not been received. On April 7, 2014, Plaintiff responded that his counselor had separately mailed the witness fees. (ECF No. 110.)

No such money orders have yet been received by the Court. 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 not later than May

1 16, 2014 money orders in the amounts previously specified. Without the money orders, no
2 subpoena will issue and no witness will be served by the United States Marshal.

3 **This will be the Court's final notice of the need and deadline for witness fees.**

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5 IT IS SO ORDERED.

6 Dated: April 9, 2014

7 /s/ Michael J. Seng
8 UNITED STATES MAGISTRATE JUDGE

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