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

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

Case No. 1:10-cv-00142-MJS (PC)  
**ORDER DIRECTING SERVICE OF  
SUBPOENAS ON WITNESSES BY THE  
UNITED STATES MARSHAL WITHOUT  
PREPAYMENT OF COSTS**  
**SERVICE WITHIN THIRTY (30) DAYS**

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 14, 2014.

The Court previously ordered Plaintiff to provide service information for each witness being commanded to appear, and a money order made payable to each witness as required for payment of witness fees and mileage. Plaintiff has submitted the required information and money orders made payable to the witnesses Mr. Holman, Mr. Ogues, Mr. Dean, and Mr. Sahota, being commanded to appear at trial on August 14, 2014.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court is directed to forward the following documents to the United States Marshal:  
(1) Four (4) completed and issued subpoenas to be served on:

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**Mr. Holman**  
U.S.P. Atwater  
#1 Federal Way  
Atwater, CA 95301

**Mr. Ogues**  
U.S.P. Atwater  
#1 Federal Way  
Atwater, CA 95301

**Mr. Dean**  
U.S.P. Atwater  
#1 Federal Way  
Atwater, CA 95301

**Mr. Sahota**  
U.S.P. Atwater  
#1 Federal Way  
Atwater, CA 95301

- (2) Four (4) completed USM-285 forms;
  - (3) One money order #403031941547 in the amount of \$113.45, made payable to Mr. Holman;
  - (4) One money order #403031941548 in the amount of \$113.45, made payable to Mr. Ogues;
  - (5) One money order #403031941550 in the amount of \$113.45, made payable to Mr. Dean;
  - (6) One money order #403031941549 in the amount of \$113.45, made payable to Mr. Sahota; and
  - (7) One copy of this Order for each witness, plus an extra copy for the Marshal.
2. Within **thirty (30) days** from the date of this Order, the United States Marshal is directed to serve the subpoenas and money orders on witnesses Mr. Holman, Mr. Ogues, Mr. Dean, and Mr. Sahota in accordance with the provisions of Rule 45 of the Federal Rules of Civil Procedure.

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3. The United States Marshal shall effect personal service and a copy of this Order upon the named individuals in the subpoenas pursuant to Rule 45 of the Federal Rules of Civil Procedure and 28 U.S.C. § 566(c) and shall command all necessary assistance from the United States Bureau of Prisons (BOP) to execute this Order. The United States Marshal shall maintain the confidentiality of all information provided by the BOP pursuant to this Order.
4. Within **ten (10) days** after personal service is effected, the United States Marshal shall file the return of service, along with the costs subsequently incurred in effecting service. Said costs shall be enumerated on the USM-285 form and shall include the costs incurred by the Marshal's office for photocopying additional copies of the subpoena and for preparing new USM-285 forms, if required.

IT IS SO ORDERED.

Dated: June 23, 2014

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE