UNITED STATES DISTRICT COURT		
EASTERN DISTR	RICT OF CALIFORNIA	
EMERY L. FRANKLIN,	Case No. 1:10-cv-00142-MJS (PC)	
Plaintiff,	ORDER DIRECTING CLERK OF THE COURT TO REMIT WITNESS FEE PAYMENTS TO TRIAL WITNESS OGUES	
UNITED STATES,	(ECF Nos. 141, 150)	
Defendant.		
Plaintiff a federal prisoner proceedin	a pro se and in forma nauperis filed this action	
Plaintiff, a federal prisoner proceeding pro se and in forma pauperis, filed this action pursuant to the Federal Tort Claims Act ("FTCA"). Trial began on August 14, 2014 and		
judgment was entered in favor of Defendant, the United States, on August 15, 2014. Prior		
to trial, the United States Marshal was direc	ted to serve upon Plaintiff's trial witness, former	
BOP employee Mr. Ogues, a subpoena commanding appearance at trial and U.S. Treasury		
check #403031941548 in the amount of \$11	3.45 covering witness fees. Fed. R. Civ. P. 45;	
28 U.S.C. § 566(c). During trial the parties s	tipulated that Plaintiff would pay Mr. Ogues	
additional mileage costs of \$116.39. (ECF N	lo. 141.) Mr. Ogues appeared and testified at	
trial.		
On or about September 25, 2014, the Marshal returned to the Court the executed		
subpoena for Mr. Ogues along with the chee	ck covering his witness fees. (ECF No. 150.)	
On or about October 8, 2014, the Clerk received from Plaintiff U.S. Treasury check #		
403036614310 payable to Rodrigo Ogues in the amount of \$116.39.		
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1	Accordingly, the Clerk of the Court is HEREBY ORDERED to remit the above	
2	checks to Mr. Orgues at the following address:	
3	Mr. Ogues	
4	c/o United States Attorney's Office Attn: Jeff Lodge	
5	2500 Tulare Street	
6	Suite 4401 Fresno, CA 93721.	
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8	IT IS SO ORDERED.	
9	Dated: <u>October 10, 2014</u> Isl Michael J. Seng	
10	UNITED STATES MAGISTRATE JUDGE	
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