

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 CLERK OF THE
COURT TO REMIT WITNESS FEE
PAYMENTS TO TRIAL WITNESS OGUES**
(ECF Nos. 141, 150)

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 directed 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 \$113.45 covering witness fees. Fed. R. Civ. P. 45; 28 U.S.C. § 566(c). During trial the parties stipulated that Plaintiff would pay Mr. Ogues additional mileage costs of \$116.39. (ECF No. 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 check 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.

