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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)  
**ORDER REGARDING WITNESS FEES**  
MONEY ORDERS DUE MAY 16, 2014  
(ECF No. 96)

Plaintiff Emery I. Franklin is a federal prisoner proceeding pro se and in forma pauperis in this Federal Tort Claims Act (“FTCA”) personal injury action arising from a motor vehicle accident. Trial is set for August 12, 2014.

Pursuant to the Court's AMENDED second scheduling order, (ECF No. 93), Plaintiff has notified the Court of the names and locations of the unincarcerated witness he intends to call at trial. Accordingly, the Court will advise of the travel expenses for each said witness so that Plaintiff may meet his obligation of submitting, not later than May 16, 2014, a money order to cover the travel expenses for each witness. Without the money orders, no subpoena will issue and no witness will be served by the United States Marshal.

Plaintiff intends to call six CDCR officials as witnesses. Plaintiff lists the location of

1 witnesses Holman, Tyson, Ogues, Dean, Sahota and Lehmann as U.S.P. Atwater, which is  
2 located at # 1 Federal Way, Atwater, California. The round trip mileage from Atwater to  
3 Fresno is 130 miles and the mileage rate is 56.5 cents per mile. Accordingly, the total  
4 mileage fee for each of these witnesses is \$ 73.45. Each also is entitled to a \$40.00 daily  
5 witness fee. Therefore, Plaintiff must submit a money order payable to each of these six  
6 individuals in the total amount of \$ 113.45 if he wants them subpoenaed to trial.

7 Plaintiff also intends to call one non-CDCR witness: Mrs. Franklin, 2357 Dry Creek  
8 Way, Stockton California. The round trip mileage from this Stockton address to Fresno is  
9 254 miles. At 56.5 cents per mile, the total mileage fee for witness Mrs. Franklin is \$143.51.  
10 With the daily \$40.00 fee, a money order in the amount of \$183.51 payable to her must be  
11 submitted if plaintiff wants her subpoenaed to trial.

12 Plaintiff is reminded that the deadline for submitting money orders to subpoena  
13 witnesses is May 16, 2014.

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21 IT IS SO ORDERED.

22 Dated: January 13, 2014

/s/ Michael J. Seng  
23 UNITED STATES MAGISTRATE JUDGE  
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