



1           **I.       Motion for the Attendance of Unincarcerated Witnesses**

2           As noted above, Plaintiff seeks the attendance at trial of the following unincarcerated  
3 witnesses: (1) J. Stoogodo, (2) Dr. P. Newtion, (3) Warden T. P. Wan, (4) Correctional Lieutenant J.  
4 Perez, (5) Correctional Sergeant C. Garza, and (6) Correctional Sergeant M. Lunes. Plaintiff’s motion  
5 requesting the attendance of the unincarcerated witnesses shall be granted.

6           If Plaintiff wishes to have J. Stoogodo and Dr. P. Newtion served with summonses to testify at  
7 trial, then Plaintiff must submit a money order, for *each* of these witnesses, made out to that witness in  
8 the amount of \$462.17.<sup>1</sup>

9           If Plaintiff wishes to have Warden T. P. Wan, Correctional Lieutenant J. Perez, Correctional  
10 Sergeant C. Garza, and Correctional Sergeant M. Lunes served with summonses to testify at trial, then  
11 Plaintiff must submit a money order, for *each* of these witnesses, made out to that witness in the  
12 amount of \$62.26.<sup>2</sup>

13           **II.       Conclusion and Order**

14           Based on the above, IT IS HEREBY ORDERED as follows:

- 15           1. Plaintiff’s motion for the attendance of unincarcerated witnesses J. Stoogodo, Dr. P.  
16           Newtion, Warden T. P. Wan, Correctional Lieutenant J. Perez, Correctional Sergeant C.  
17           Garza, and Correctional Sergeant M. Lunes is GRANTED;
- 18           2. To have J. Stoogodo and Dr. P. Newtion served with summonses to testify at trial, Plaintiff  
19           must submit a money order made out to each witness in the amount of \$462.17 by June 26,  
20           2014;
- 21           3. To have Warden T. P. Wan, Correctional Lieutenant J. Perez, Correctional Sergeant C.  
22           Garza, and Correctional Sergeant M. Lunes served with summonses to testify at trial,

23  
24  
25           

---

<sup>1</sup>           The amount for each of these witnesses is based on the daily witness fee of \$40.00, plus \$462.17 for round-trip  
26 mileage for one day. 28 U.S.C § 1821. Plaintiff reports that each of these witnesses is located at Calipatria State Prison in  
27 Calipatria, California. It is 818 miles, round trip, from Calipatria State Prison to the courthouse, and the current mileage  
reimbursement rate is \$0.565 per mile.

28           <sup>2</sup>           The amount for each of these witnesses is based on the daily witness fee of \$40.00, plus \$62.26 for round-trip  
mileage for one day. 28 U.S.C. § 1821. Plaintiff reports that each of these witnesses is located at the California Substance  
Abuse Treatment Facility in Corcoran, California. It is 110.2 miles, round trip, from the California Substance Abuse  
Treatment facility to the courthouse, and the current mileage reimbursement rate is \$0.565 per mile.

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

Plaintiff must submit a money order made out to that witness in the amount of \$62.26 by June 26, 2014; and

4. The Court cannot accept cash and the money order may not be made out to the Court. The money order must be made out in the witness's name.

IT IS SO ORDERED.

Dated: June 2, 2014

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE

5.