



1 Subsequently, a hearing was held on October 12, 2016 regarding Plaintiff's motion to continue  
2 the trial date in this matter. The motion was granted, and consequently, Plaintiff's unincarcerated  
3 witnesses are not required to appear to testify on October 18, 2016.

4 Based on the foregoing, the Court finds it appropriate to recall its September 21, 2016 order  
5 directing service of subpoena on the witnesses. To the extent those witnesses have not yet been served,  
6 service is no longer necessary, and the witness fees should be returned to Plaintiff's counsel.

7 Accordingly, IT IS HEREBY ORDERED that:

8 1. The September 21, 2016 order directing the United States Marshal to serve subpoenas  
9 and witness fees on Plaintiff's unincarcerated witnesses (ECF No. 270), is recalled;

10 2. The Clerk of the Court is directed to forward a copy of this order to the United States  
11 Marshal;

12 3. Any witness fees still within the possession of the United States Marshals Service shall  
13 be sent to the United States District Court, Eastern District of California within ten (10) days  
14 following receipt of this order; and

15 4. Upon receipt of the money order(s), the Court shall direct their return to Plaintiff's  
16 counsel.

17  
18 IT IS SO ORDERED.

19 Dated: October 13, 2016

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE