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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**

9 KEVIN DARNELL BRYANT,) Case No. 1:11-cv-00446-BAM (PC)
10 Plaintiff,)
11 v.) ORDER TO CLERK OF COURT DIRECTING
12 GALLAGHER, et al.,) RETURN OF WITNESS FEES TO PLAINTIFF'S
13 Defendants.) COUNSEL
14)
15)

16 Plaintiff Kevin Darnell Bryant ("Plaintiff") is state prisoner proceeding in forma pauperis in
17 this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's claims against
18 Defendant Romero for deliberate indifference to serious medical needs in violation of the Eighth
19 Amendment, and against Defendants Gallagher and Romero for conspiracy, retaliation in violation of
20 the First Amendment, and failure to protect in violation of the Eighth Amendment. All parties have
21 consented to magistrate judge jurisdiction. (ECF Nos. 7, 231.)

22 On October 12, 2016, the Court granted Plaintiff's motion to vacate and continue the trial date
23 in this matter. (ECF No. 291.) On October 13, 2016, the Court issued an order recalling service of
24 subpoenas on Plaintiff's unincarcerated witnesses who had not yet been served as of that date. The
25 Court also instructed that any unserved witness fees be returned to the Court for their later return to
26 Plaintiff.

27 The United States Marshal complied with the Court's order, and returned certifications that the
28 following unincarcerated witnesses were not served with any subpoenas or witness fees: Gerald Biane

1 (ECF No. 300), Sandra Lee Schaefer (ECF No. 302), Young Paik (ECF No. 303), and Ricardo
2 (Richard) Christensen (ECF No. 301). The witness fees for these witnesses were also returned to the
3 Court. Consequently, the witness fees will now be returned to Plaintiff's counsel.

4 Accordingly, the Clerk of the Court is HEREBY DIRECTED to mail the following to
5 Plaintiff's counsel:

6 1. Money order #17-448437736, in the amount of \$158.80, for unincarcerated witness
7 Gerald Biane;

8 2. Money order #17-448437737, in the amount of \$158.80, for unincarcerated witness
9 Ricardo (Richard) Christensen;

10 3. Money order #17-448437740, in the amount of \$127.05, for unincarcerated witness
11 Sandra Lee Schaefer; and,

12 4. Money order #17-448437741, in the amount of \$156.64, for unincarcerated witness
13 Young Paik.

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15 IT IS SO ORDERED.

16 Dated: October 20, 2016

17 /s/ Barbara A. McAuliffe
18 UNITED STATES MAGISTRATE JUDGE
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