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

NORRIS LEE,  Plaintiff,  v.  BALLESTEROS,  Defendant.	Case No. 1:12-cv-00808-SKO (PC)  <b>ORDER NOTIFYING PLAINTIFF OF WITNESS FEE AMOUNT DUE AND REQUIRING PLAINTIFF TO SUBMIT MONEY ORDERS ON OR BEFORE JULY 8, 2015</b>  (Docs. 28 and 35)
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Plaintiff Norris Lee, a former state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 17, 2012. This action for damages is proceeding against Defendant Ballesteros for acting with deliberate indifference to Plaintiff's serious medical needs on May 27, 2011, in violation of the Eight Amendment of the United States Constitution. (Docs. 1, 18, 20.) Jury trial is set for August 18, 2015.

On June 10, 2015, Plaintiff notified the Court that he wishes to obtain the attendance of witnesses M. Agtarap, licensed vocational nurse, and Robert Banks, correctional officer, at trial. Both witnesses are unincarcerated and are unwilling to testify voluntarily; and Plaintiff represents that they are employed at California State Prison-Corcoran, 4001 King Ave., Corcoran, CA, 93212.

Accordingly, the Court **HEREBY ORDERS** as follows:

1. Pursuant to the second scheduling order, Plaintiff is required to submit one money order for each witness, made payable to the witness, in the amount of **\$102.08** on or

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before **July 8, 2015**,<sup>1</sup> 28 U.S.C. § 1915(d); Fed. R. Civ. P. 4(c)(3), 45, and

2. If Plaintiff is unwilling or unable to submit the required money orders by July 8, 2015, the Court will not direct the United States Marshal to serve the witness subpoenas on Plaintiff's behalf.

IT IS SO ORDERED.

Dated: **June 15, 2015**

**/s/ Sheila K. Oberto**  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> For each witness, Plaintiff must pay the \$40.00 daily witness fee and \$62.08 for round-trip mileage. 28 U.S.C. § 1821; Fed. R. Civ. P. 45. California State Prison-Corcoran is 54.46 miles from the courthouse and the mileage rate is .57 cents per mile, for a total of \$102.08 per witness.