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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FEDERICO HERNANDEZ,

Plaintiff,

v.

M. HERNANDEZ, et al.,

Defendants.

CASE NO. 1:13-cv-01625-MJS (PC)

**ORDER FOR RETURN OF MONEY
ORDERS**

**CLERK TO FAX COPY OF THIS ORDER
TO LITIGATION COORDINATOR AT
CALIFORNIA STATE PRISON,
SACRAMENTO**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. The action proceeds against Defendants Hernandez, Zambrano, Clark, Rodriguez, and Martin on Plaintiff's Eighth Amendment excessive force claim. Trial is set for August 11, 2015. (ECF No. 86.)

On June 3, 2015, Plaintiff moved to subpoena Correctional Captain A. Walker and Associate Warden D. Fischer to testify at the trial in this case. (ECF No. 78.) The Court advised Plaintiff of his obligation to submit money orders in the amount of \$110.73 payable to each individual for statutory witness fees prior to the issuance of such subpoenas. (ECF No. 90.) The deadline for Plaintiff to submit the money orders was originally set for July 1, 2015 (ECF No. 90), then extended to July 8, 2015 (ECF No. 92).

1 On July 7, 2015, Esperanza Hernandez submitted, on behalf of Plaintiff, money
2 orders in the appropriate amounts payable to **D. Walker** and **A. Fischer** (rather than **A.**
3 **Walker** and **D. Fischer**). Because the money orders are not payable to the individuals
4 Plaintiff wishes to subpoena, the subpoenas cannot presently be issued. The money
5 orders will be returned to Ms. Hernandez.

6 If Plaintiff wishes to subpoena these witnesses for trial, he must submit money
7 orders payable to the appropriate individuals forthwith, and in no event later than July
8 14, 2015. Upon receipt of any money orders, the Court will make every effort to
9 promptly transmit the subpoenas and money orders to the United States Marshals for
10 service. However, at this late date, the Court cannot guarantee that the subpoenas will
11 be served prior to trial or that, if served, the witnesses will be afforded sufficient time to
12 comply. Plaintiff is encouraged not to wait until the July 14, 2015 deadline to re-submit
13 his money orders.

14 Based on the foregoing, the Clerk's Office is HEREBY ORDERED to:

- 15 1. Return the money orders and a copy of this order to Esperanza
16 Hernandez at the following address:
17 1589 E. 48th Place, Los Angeles, CA 90011; and
- 18 2. Fax a copy of this order to the Litigation Coordinator at Plaintiff's
19 institution so that Plaintiff is promptly advised of the pending July 14,
20 2015 deadline in this case.

21
22 IT IS SO ORDERED.

23 Dated: July 7, 2015

24 /s/ Michael J. Seng
25 UNITED STATES MAGISTRATE JUDGE
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