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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 REQUIRING DEFENSE  
COUNSEL TO ADVISE COURT OF  
STATUS OF WITNESS FEES WITHIN  
THIRTY (30) DAYS**  
  
**(ECF No. 150)**

Plaintiff is a state prisoner proceeding in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. The action, now closed, proceeded against Defendants Hernandez, Zambrano, Clark, Rodriguez, and Martin on Plaintiff's Eighth Amendment excessive force claim. Trial was set for August 11, 2015, but was taken off calendar pursuant to the parties' notice of settlement. (ECF No. 146.) The parties' eventually filed a stipulation for dismissal with prejudice and the matter was closed. (ECF No. 151.)

Prior to trial, Plaintiff submitted money orders for witness fees payable to Correctional Captain A. Walker and Associate Warden D. Fischer to secure their appearance at trial. (ECF No. 105.) Both officers were employed at Pleasant Valley State Prison ("PVSP"). Both officers were served with the money orders, along with subpoenas, through correctional officials. (ECF Nos. 148, 149.)

1 Before the Court is Plaintiff's August 26, 2015 request that the money orders be  
2 returned to him. (ECF No. 150.) The money orders have not been returned to the  
3 Court. The Court does not have the money orders or any information regarding the  
4 whereabouts of the funds.

5 Accordingly, to facilitate the return of these funds to Plaintiff, defense counsel is  
6 HEREBY ORDERED to advise the Court of the status and whereabouts of the witness  
7 fees within thirty (30) days of this order.

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9 IT IS SO ORDERED.

10 Dated: March 24, 2016

*/s/ Michael J. Seng*  
11 UNITED STATES MAGISTRATE JUDGE

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