## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

FEDERICO HERNANDEZ,

Plaintiff,

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M. HERNANDEZ, et al.,

Defendants.

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

## ORDER DENYING REQUEST FOR REIMBURSEMENT OF WITNESS FEES

(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.)

Before the Court is Plaintiff's August 26, 2015 request that the money orders be returned to him. (ECF No. 150.) On March 25, 2016, the Court ordered defense counsel to advise the Court of the whereabouts of the money orders or funds. (ECF No. 153.) Defense counsel responded on April 14, 2016, providing evidence that the money orders had been returned to the United States Marshals Service on September 29, 2015. (ECF No. 154.) The Marshals Service has informed the Court that the money orders were returned on September 30, 2015 to Esperanza Hernandez, 1589 E. 48th Place, Los Angeles, CA 90011.

Because the money orders have been returned to the person who procured them for Plaintiff, Plaintiff's request for reimbursement is moot and is therefore HEREBY DENIED.

IT IS SO ORDERED.