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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF CALIFORNIA  
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8 JEREMY PINSON,  
9 Plaintiff,  
10 v.  
11 FEDERAL BUREAU OF PRISONS;  
12 JESUS VALERO,  
13 Defendants.

Case No. 1:13-cv-01821-AWI-MJS (PC)

**ORDER DIRECTING SERVICE OF  
SUBPOENA BY THE UNITED STATES  
MARSHAL WITHOUT PREPAYMENT  
OF COSTS**

**SERVICE WITHIN FOURTEEN (14)  
DAYS**

14 Plaintiff is a federal prisoner proceeding pro se and in forma pauperis in this civil  
15 rights action brought pursuant to Bivens v. Six Unknown Agents of the Federal Bureau  
16 of Narcotics, 403 U.S. 388 (1971), and the Privacy Act of 1974, 5 U.S.C. § 552a. The  
17 matter proceeds on Plaintiff's First Amended Complaint against Defendant Jesus Valero  
18 for violations of the First and Eighth Amendments and against Defendant Federal  
19 Bureau of Prisons ("BOP") for violation of the Privacy Act. This matter is set for an  
20 evidentiary hearing for January 20, 2016, to determine the authenticity of Plaintiff's  
21 principal witness Matthew Eyre's declaration.

22 On October 23, 2015, the Court ordered Plaintiff to provide service information  
23 for witness Kindra Vargas, who is being commanded to appear at the January 20, 2016,  
24 evidentiary hearing. (ECF No. 74.) In compliance with that order, Plaintiff has now  
25 submitted the necessary documents for service, as well as a \$40 witness fee.

26 Accordingly, IT IS HEREBY ORDERED that:

- 27 1. The Clerk of the Court is directed to forward the following documents to  
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1 the United States Marshal:

- 2 a. One completed and issued subpoena to be served on Kindra Vargas;
- 3 b. One completed USM-285 Form;
- 4 c. One money order (No. 23063543908) in the amount of \$40, made
- 5 payable to Kindra Vargas; and
- 6 d. One copy of this Order, plus an extra copy for the Marshals Service;

7 2. Within **fourteen (14) days** from the date of this Order, the United States  
8 Marshal is directed to serve the subpoena and money order on witness  
9 Kindra Vargas in accordance with the provisions of Rule 45 of the Federal  
10 Rules of Civil Procedure.

11 3. The United States Marshal shall effect personal service and a copy of this  
12 Order upon the named individual in the subpoenas pursuant to Rule 45 of  
13 the Federal Rules of Civil Procedure and 28 U.S.C. § 566(c) and shall  
14 command all necessary assistance from the California Department of  
15 Corrections and Rehabilitation (“CDCR”) to execute this Order. The United  
16 States Marshal shall maintain the confidentiality of all information provided  
17 by CDCR pursuant to this Order.

18 4. Within **seven (7) days** after personal service is effected, the United States  
19 Marshal shall file the return of service, along with the costs subsequently  
20 incurred in effecting service. Said costs shall be enumerated on the USM-  
21 285 form and shall include the costs incurred by the Marshal's office for  
22 photocopying additional copies of the subpoena and for preparing new  
23 USM-285 forms, if required.

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25 IT IS SO ORDERED.

26 Dated: December 1, 2015

27 /s/ Michael J. Seng  
28 UNITED STATES MAGISTRATE JUDGE

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