

1 CAROLYN PHILLIPS, #103045

Attorney at Law

2 P.O. Box 5622

Fresno, California 93755-5622

3 Telephone: (559)248-9833

Facsimile: (559) 248-9820

4 Attorney for Petitioner Jaime I. Estrada

5
6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE EASTERN DISTRICT OF CALIFORNIA

8
9 JAIME I. ESTRADA,

Case No. 1:14-cv-679 DAD/EPG HC

10 *Petitioner,*

ORDER GRANTING PETITIONER'S
EX PARTE APPLICATION FOR
AUTHORITY TO SUBPOENA
11 WITNESSES AND HAVE U.S.
MARSHAL PAY WITNESS FEES
PURSUANT TO 28 USC §1825(b)

12 v.

MARTIN BITER,

13 *Respondent.*

Date: May 5, 2017

14 Time: 9:00 a.m.

Judge: Hon. Erica P. Grosjean

15
16 Petitioner JAIME I. ESTRADA, through counsel, asks this court for an ex parte
17 order authorizing the issuance of subpoenas and the payment of witness fees by the
18 United States Marshal as provided in 28 U.S.C. §1825(b). This court has already granted
19 petitioner indigent status and has set an evidentiary hearing in this matter for May 5,
20 2017, at 9:00 a.m. The following witnesses must be present at the evidentiary hearing in
order to allow Mr. Estrada to present an adequate case:

- 21 1. Deputy District Attorney Sandra Bishop
832 Twelfth St., Ste. 300
22 Modesto, CA 95353
(209)525-5550
23

1 DDA Bishop was the prosecutor in Estrada's state trial and produced the
2 Stanislaus County District Attorney Office Memoranda regarding a plea offer and a
3 declaration filed during the state court's consideration of Estrada's state habeas petition.

4 2. Chuck McKenna
4224 Madison Lane
5 Turlock, CA 95382
(209)634-0314

6 Mr. McKenna was the Deputy District Attorney who appeared at the pre-trial
7 conference during which it appears that a 19-year offer was made.

8 Subpoenas are necessary to secure the appearances of these witnesses at the May
9 5, 2017 evidentiary hearing.

Dated: April 17, 2017

Respectfully submitted,

10 /s/ Carolyn D. Phillips
11 Attorney for Petitioner
Jaime I. Estrada

12
13 **ORDER**

14 Authorization for the issuance of subpoenas for Sandra Bishop and Chuck
15 McKenna's presence at the May 5, 2017 evidentiary hearing and payment of witness
16 fees by the U.S. Marshal is hereby GRANTED.

17 IT IS SO ORDERED.

Dated: April 24, 2017

18 /s/ Eric P. Gray

19 MAGISTRATE JUDGE

UNITED STATES

20

21

22

23