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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

REGINALD RAY YORK,
Plaintiff,
v.
GARCIA, *et al.*,
Defendants.

Case No. 1:15-cv-01828-DAD-BAM (PC)
**ORDER REGARDING PLAINTIFF’S
NOTICE OF UNINCARCERATED WITNESS
INFORMATION**
(ECF No. 137)
Witness Fees Due: December 10, 2021

Plaintiff Reginald Ray York (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This case proceeds on Plaintiff’s Eighth Amendment claims against Defendant Garcia for excessive use of force and against Defendant Neighbors for failure to protect. This case is set for a telephonic trial confirmation hearing on December 13, 2021 and a jury trial commencing March 1, 2022 before District Judge Dale A. Drozd.

Pursuant to the Court’s August 4, 2021 Second Amended Second Scheduling Order, Plaintiff’s notification of the names and locations of unincarcerated witnesses who refuse to testify voluntarily was due on or before October 4, 2021, and Plaintiff must submit the required money orders on or before November 8, 2021. (ECF No. 135.) Plaintiff timely submitted notices of the names and locations for unincarcerated witnesses M. Becina, RN and Malvin U. Pallomina, NP on October 6, 2021. (ECF No. 137, pp. 9–11; 17–19.)

1 The witness fees for M. Becina, RN and Malvin U. Pallomina, NP are set forth below.
2 The amount is based on the daily witness fee of \$40.00, plus round-trip mileage at the current
3 reimbursement rate of \$0.56 per mile. 28 U.S.C. § 1821.

4 Thus, if Plaintiff wishes to have these witnesses served with a summons to testify at trial,
5 then Plaintiff must submit a separate money order, made out to **each** witness, in the amounts set
6 forth below:

- 7 1. For M. Becina, RN, Plaintiff must submit a money order in the amount of **\$130.72**;¹ and
- 8 2. For Malvin U. Pallomina, NP, Plaintiff must submit a money order in the amount of
9 **\$160.96**.²

10 The Court further finds it appropriate to extend the deadline to allow Plaintiff to submit
11 the required fees prior to trial.

12 Accordingly, it is HEREBY ORDERED that Plaintiff's deadline to submit the above-
13 listed money order in the full amount for the unincarcerated witnesses to be served with summons
14 to testify at trial is **December 10, 2021**. Plaintiff is advised that the Court cannot accept cash, and
15 money orders cannot be made out to the Court, but **must be made out to the individual witness**
16 **in that witness's name.**

17
18 IT IS SO ORDERED.

19 Dated: November 9, 2021

/s/ Barbara A. McAuliffe
20 UNITED STATES MAGISTRATE JUDGE

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24 _____
25 ¹ Plaintiff reports that M. Becina, RN is located at Kern Valley State Prison (KVSP), 3000 West
26 Cecil Avenue, P.O. Box 6000, Delano, CA 93216. It is 162 miles, round-trip, from that location
to the courthouse.

27 ² Plaintiff reports that Malvin U. Pallomina, NP is located at Medical Group Practices – Adventist
28 Health Bakersfield Hospital, 2811 H. Street, Bakersfield, CA 93301-1913. It is 216 miles, round-
trip, from that location to the courthouse.