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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CURTIS ANDERSON,
Plaintiff,
v.
UNITED STATES OF AMERICA,
Defendant.

Case No. 1:16-cv-00352-DAD-SAB (PC)
ORDER DISCHARGING TRIAL SUBPOENA
SERVED ON UNINCARCERATED
WITNESS BY THE UNITED STATES
MARSHAL

Plaintiff Curtis Anderson is a federal prisoner proceeding *pro se* and *in forma pauperis* in this civil action pursuant to the Federal Tort Claims Act.

On June 25, 2019, the Court directed the United States Marshal to serve an unincarcerated witness, Dr. Edward A. Vanek, within a subpoena for his appearance at trial on October 1, 2019, along with the witness fees submitted by Plaintiff. (ECF No. 71.) The United States Marshal served the subpoena and witness fees on Dr. Vanek on July 5, 2019. (ECF No. 76.)

On August 27, 2019, a settlement conference was conducted and the case was settled, vacating the October 1, 2019 trial date. Consequently, Dr. Vanek is not required to appear to testify on October 1, 2019.

Based on the foregoing, the Court finds it appropriate to discharge the subpoena for Dr. Vanek's appearance at trial on October 1, 2019.

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Accordingly, IT IS HEREBY ORDERED that:

1. The subpoena for Dr. Edward A. Vanek’s appearance at trial on October 1, 2019 is DISCHARGED;
2. Dr. Vanek is not required to appear to testify on October 1, 2019;
3. Dr. Vanek is ordered to return the money order for witness fees in the amount of \$115.40 to Plaintiff by mail at the following address:

**Federal Bureau of Prisons
Curtis Anderson
BOP Register # 59975-004
Post Office Box 474701
Des Moines, Iowa 50947-0001**

4. The Clerk of the Court is directed to mail this order to:

**Dr. Edward A. Vanek, Jr.
Merced Advanced Orthopedics
3140 Apron Avenue, Atwater, CA 95301**

IT IS SO ORDERED.

Dated: September 5, 2019


UNITED STATES MAGISTRATE JUDGE