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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHNNY C. THOMAS,
Plaintiff,
v.
MARK KUO,
Defendant.

No. 1:16-cv-00524-ADA-EPG (PC)
ORDER REVERSING DENIAL
(ECF No. 207)
ORDER DIRECTING SERVICE OF
SUBPOENA ON WITNESS BY THE UNITED
STATES MARSHAL WITHOUT
PREPAYMENT OF COSTS
(ECF Nos. 202, 203)
SERVICE WITHIN 48 HOURS

Plaintiff Johnny C. Thomas is a former state prisoner proceeding in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This matter is set for trial on April 11, 2023.

Pursuant to the Court’s orders (ECF Nos. 203, 205) and Plaintiff’s declaration (ECF No. 206), the Court is directing the United States Marshal to serve the following subpoenas. The decision on the matter rendered in the Court’s Minute Order on April 3, 2023, stating otherwise (ECF No. 207) is hereby reversed.

Plaintiff has submitted completed subpoenas and the required fees made payable to the witness **Dr. Vinh X. Mai, DDS**, and to the witness **Dr. Joel Napoles, DDS**, both of whom are being commanded to appear at trial on April 11, 2023.

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Accordingly, IT IS HEREBY ORDERED that:

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

a. One completed and issued subpoena to be served on:

Vinh X. Mai
Kern Valley State Prison
3000 West Cecil Avenue
Delano, CA 93215

b. A completed USM-285 form regarding Dr. Vinh X. Mai;

c. One money order #19-515009792 in the amount of \$138.00, made payable to Dr. Vinh X. Mai, DDS;

d. One completed and issued subpoena to be served on:

Joel Napoles
10812 Vista Del Rando Drive
Bakersfield, CA 93311

A completed USM-285 form regarding Dr. Joel Napoles;

e. One money order #19-515009793 in the amount of \$178.00, made payable to Dr. Joel Napoles, DDS;

f. Three (3) copies of this order, one to accompany each subpoena, plus an extra copy for the Marshal.

2. Within **48 hours** from the date of service of this order, the United States Marshal is directed to serve the subpoena and money order in accordance with the provisions of Rule 45 of the Federal Rules of Civil Procedure.

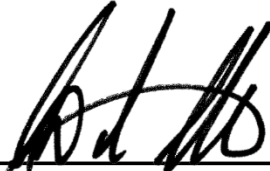
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- 3. The United States Marshal shall effect personal service and a copy of this order upon the named individual in the subpoena pursuant to Rule 45 of the Federal Rules of Civil Procedure and 28 U.S.C. § 566(c).
- 4. Within **ten (10) days** after personal service is completed, the United States Marshal shall file the return of service, along with the costs subsequently incurred in effective service. Said costs shall be enumerated on each USM-285 form.

IT IS SO ORDERED.

Dated: April 5, 2023



UNITED STATES DISTRICT JUDGE