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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ETUATE SEKONA,

 Plaintiff,

 v.

M. FRANCIS,

 Defendant.

Case No. 1:19-cv-00529-KES-HBK (PC)

ORDER DIRECTING SERVICE OF
SUBPOENA ON WITNESS BY UNITED
STATES MARSHAL WITHOUT
PREPAYMENT OF COSTS

IMMEDIATE SERVICE

Plaintiff Etuate Sekona (“Plaintiff”) is a state prisoner proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. On June 17, 2024, the Court confirmed this matter is set for trial on **September 10, 2024 at 8:30 a.m.** (Doc. No. 126).

Plaintiff has submitted the required fees made payable to the witness **Correctional Officer Commagay**, being commanded to appear at trial on **September 10, 2024.**¹

Accordingly, IT IS HEREBY ORDERED that:

- 1. The Clerk of the Court is directed to immediately forward the following documents to

¹ Plaintiff previously submitted a payment of \$137.00 in witness fees for Commagay, which the Court ordered him to retain after the trial was reset on September 6, 2023. (*See* Doc. No. 112 at 2:9-10). On June 18, 2024, the Court assessed an additional \$12.00 in witness fees due to the increase in the mileage reimbursement rate applicable to witness travel. (*See* Doc. No. 128 at 2). After Plaintiff was unable to pay the additional fees, the Court sought and obtained authorization from Chief Judge Mueller to use Non-Appropriated Funds to pay the additional \$12.00 in travel fees, which will be mailed directly to Commagay’s attention at KVSP by the District Court’s Finance Department. (*See* Doc. No. 164).


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the United States Marshal:

- a. One completed and issued subpoena to be served on:
Correctional Officer Commagay
Kern Valley State Prison
P.O. Box 3130, Delano, CA 93216-6000
- b. One completed USM-285 form;
- c. Two (2) copies of this order, one to accompany the subpoena, plus an extra copy for the Marshal.

- 2. Upon receipt of this order, the United States Marshal is directed to serve the subpoena in accordance with the provisions of Rule 45 of the Federal Rules of Civil Procedure.
- 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. 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 the USM-285 form.
- 5. The Clerk of Court shall provide a copy of this Order to the Litigation Coordinator at Kern Valley Prison.

Dated: August 30, 2024


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE

Cc: Finance Department, U.S. District Court - Eastern District of California