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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 **LVN Melinda Cook**, being commanded to appear at trial on **September 10, 2024**.<sup>1</sup>

Accordingly, IT IS HEREBY ORDERED that:

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

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<sup>1</sup> Plaintiff previously submitted a payment of \$137.00 in witness fees for Cook, which the Court ordered her 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 Cook’s attention at KVSP by the District Court’s Finance Department. (*See* Doc. No. 164).

1 the United States Marshal:

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

3 **LVN Melinda Cook**  
4 **Kern Valley State Prison**  
5 **P.O. Box 3130, Delano, CA 93216-6000**

6 b. One completed USM-285 form;

7 c. Two (2) copies of this order, one to accompany the subpoena, plus an extra  
8 copy for the Marshal.


9 2. Upon receipt of this order, the United States Marshal is directed to serve the subpoena  
10 in accordance with the provisions of Rule 45 of the Federal Rules of Civil Procedure.

11 3. The United States Marshal shall effect personal service and a copy of this order upon  
12 the named individual in the subpoena pursuant to Rule 45 of the Federal Rules of Civil  
13 Procedure and 28 U.S.C. § 566(c).

14 4. After personal service is completed, the United States Marshal shall file the return of  
15 service, along with the costs subsequently incurred in effective service. Said costs  
16 shall be enumerated on the USM-285 form.

17 5. The Clerk of Court shall provide a copy of this Order to the Litigation Coordinator at  
18 Kern Valley Prison.

19 Dated: August 30, 2024

20   
21 HELENA M. BARCH-KUCHTA  
22 UNITED STATES MAGISTRATE JUDGE

23  
24 Cc: Finance Department, U.S. District Court - Eastern District of California  
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