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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 ADRIAN SOLORIO,
12 Plaintiff,

13 v.

14 W. SULLIVAN, et al.,
15 Defendants.
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1:19-cv-00688-JLT-GSA-PC

**ORDER FOR CLERK TO RETURN
PLAINTIFF'S CHECK #198-1313123
RECEIVED BY THE COURT ON
JANUARY 13, 2023**

**ORDER FOR PLAINTIFF TO SEND THE
COURT A MONEY ORDER IN THE
AMOUNT OF \$292.18 MADE PAYABLE
TO DR. A. WAGNER**

**DEADLINE TO SUBMIT MONEY ORDER
MADE PAYABLE TO DR. A. WAGNER:
JUNE 23, 2023**

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21 Adrian Solorio ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis*
22 with this civil rights action pursuant to 42 U.S.C. § 1983. This case is scheduled for jury trial on
23 September 19, 2023 at 8:30 a.m. before the Honorable Jennifer L. Thurston.

24 On December 30, 2022, the court issued an order granting Plaintiff's Request Regarding
25 Witness Fees filed by Plaintiff on December 15, 2022. (ECF No. 81.) The order notified Plaintiff
26 that "[i]f Plaintiff wishes to have the U.S. Marshal serve a subpoena on witness Dr. A. Wagner,
27 Plaintiff must submit **a money order** in the amount of \$292.18, **made payable to Dr. A.**
28 **Wagner**, to the court no later than January 20, 2023." (*Id.* at 2:16-19 (emphasis added.))

1 On January 13, 2023, Plaintiff submitted Check #198-1313123 to the Court in the amount
2 of \$292.18, made payable to the U.S. District Court. (Court Record.) Because Plaintiff submitted
3 a Check rather than a Money Order, and the Check being made payable to the U.S. District Court
4 instead of Dr. A. Wagner, the Court shall return Check #198-1313123 to Plaintiff.

5 If Plaintiff wishes to obtain the attendance of Dr. A. Wagner as his witness at trial,
6 Plaintiff must submit a **Money Order** in the amount of \$292.18 **made payable to Dr. A.**
7 **Wagner**. A subpoena will not be served upon the unincarcerated witness by the U.S. Marshal
8 unless the Money Order is tendered to the court. Because no statute authorizes the use of public
9 funds for these expenses in civil cases, the tendering of witness fees and travel expenses is
10 required even if the party was granted leave to proceed *in forma pauperis*.

11 **Accordingly, if Plaintiff wishes to have the U.S. Marshal serve a subpoena on Dr. A.**
12 **Wagner to obtain the attendance of Dr. A. Wagner as a witness at trial, Plaintiff must**
13 **submit a Money Order in the amount of \$292.18, made payable to Dr. A. Wagner, to the**
14 **Court no later than June 23, 2023.**

15 Based on the foregoing, **IT IS HEREBY ORDERED** that:

16 1. The Clerk of Court is directed to return to Plaintiff Check #198-1313123, which
17 was received by the court on January 13, 2023;

18 2. If Plaintiff wishes to obtain the attendance of witness Dr. A. Wagner at his trial,
19 Plaintiff must submit a Money Order in the amount of \$292.18, made payable to Dr. A. Wagner,
20 to the Court no later than June 23, 2023.

21 IT IS SO ORDERED.

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23 Dated: January 18, 2023

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE