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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID ANTHONY BREAUX,)	Case No. 2:93-cv-00570-JAM-DB
)	
Petitioner,)	<u>DEATH PENALTY CASE</u>
)	
vs.)	
)	
RON DAVIS, Warden of San Quentin)	ORDER REQUIRING UNITED STATES
State Prison,)	MARSHAL TO PAY DEPOSITION WITNESS
)	FEEES AND EXPENSES
)	
Respondent.)	

Pursuant to a previous order of the Court (ECF No. 304), Mr. Mark Stahley, a non-party witness in this capital habeas proceeding, was deposed at the Office of the Federal Public Defender, 801 I Street, Fourth Floor, Sacramento, California 94814 on June 26, 2018.


Petitioner submitted an APPLICATION FOR ORDER REQUIRING THE UNITED STATES MARSHAL TO PAY DEPOSITION WITNESS FEES AND EXPENSES (ECF No. 309) on August 21, 2018, asserting reimbursement of Mr. Stahley's per diem costs is reasonable and necessary. Petitioner noted that Mr. Stahley travelled from his home in Sacramento, California to the office of the Federal Public Defender the morning of the deposition and remained until after the completion of the deposition and of all paperwork regarding the deposition.

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IT IS HEREBY ORDERED:

1. The Court certifies that the testimony of Mark Stahley is relevant and material to the instant action in order to perpetuate witness testimony.
2. Pursuant to 18 U.S.C. § 3006A and 28 U.S.C. § 1825, the United States Marshal authorized to pay fees of witnesses who testify on behalf of clients represented by the Federal Public Defender. See also Guide to Judiciary Policy, Volume VII, §§ 320.40.20; 320.40.10.
4. The United States Marshal is directed to pay Mr. Stahley’s fees and expenses for attendance at his June 26, 2018 deposition in Sacramento. Such expenses shall include meal costs.

Dated: August 29, 2018


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:9
DB/orders.capital/breaux depo pmt.or