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9 Attorneys for Petitioner Riel

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

<p>13 CHARLES D. RIEL          14 Petitioner,          15 vs.          16 WARDEN, San Quentin State Prison,          17 Respondent.</p>	<p>Case No. 2:01-cv-00507 LKK DAD (TEMP)  <b>DEATH PENALTY CASE</b>          CERTIFICATE OF ASSISTANT FEDERAL          DEFENDER FOR PAYMENT OF WITNESS          FEES</p>
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20 Joan M. Fisher, Assistant Federal Defender Counsel for the Federal Defender of the  
 21 Eastern District of California, and appointed counsel for Petitioner CHARLES RIEL, pursuant to  
 22 28 U.S.C. section 1825(b)(1), hereby certifies that the non-expert fact witnesses listed below,  
 23 having appeared and testified pursuant to subpoenas approved by this Court, are entitled to fees  
 24 and mileage to be paid by the United States Marshal for the Eastern District of California. At the  
 25 request of the Marshal, the undersigned also requests that the Court approve this certificate.

26 On April 28, 2011, the following individual appeared on behalf of Petitioner as non-  
 27 expert fact witnesses in this case: Joseph Berger.

28 Certificate of Assistant Federal Defender  
 For Payment of Witness Fees

*Riel v. Warden*, 2:01-cv-00507 LKK DAD (TEMP)

1 Section 1825(b) of the Judicial Code provides that “[i]n proceedings in forma pauperis  
2 for a writ of habeas corpus . . . the United States marshal for the district shall pay . . . all fees of  
3 witnesses for the party authorized to proceed in forma pauperis . . . .” Where non-expert fact  
4 witnesses appeared “pursuant to subpoenas issued upon approval of the court, ” the marshal shall  
5 pay the witnesses’ fees “on certificate of a Federal public defender or assistant Federal public  
6 defender” who represents the party authorized to proceed in forma pauperis. 28 U.S.C. §  
7 1825(b)(1).

8 Petitioner in this case has been authorized to proceed in forma pauperis, and the Federal  
9 Public Defender has been appointed to represent him. The undersigned has been assigned to  
10 represent Petitioner.

11 Undersigned issued subpoenas to the witness named herein pursuant to the Court’s orders  
12 granting an evidentiary hearing and directing that the testimony of Joseph Berger to be taken  
13 outside the courtroom.

14 Fact witness voucher have been prepared for the named witness, and undersigned signed  
15 the certificates thereon. However, the marshal typically requests a court order before paying the  
16 witnesses’ fees.

17 WHEREFORE, undersigned respectfully requests that this Court approve this certificate  
18 and direct the Marshal to pay the fees.

19 Dated: May 16, 2011

20 Respectfully submitted,

21 ROBERT D. BACON

22 DANIEL J. BRODERICK  
Federal Defender

23 /s/ Joan M. Fisher  
JOAN M. FISHER  
Assistant Federal Defender

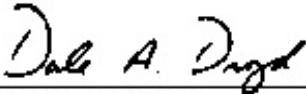
24 TIVON SCHARDL  
25 Trial & Habeas Counsel

26 Attorney for Petitioner Charles Dell Riel

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APPROVED

DATED: May 25, 2011.



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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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