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

GREGORY LYNN NORWOOD,

Plaintiff,

No. CIV S-03-2554 GEB GGH P

vs.

EDWARD ALAMEIDA, JR., et al.,

Defendants.

ORDER

_____/

Plaintiff has filed a document seeking information with regard to whether the court has a fund to provide inmates proceeding pro se and in forma pauperis with witness fees. Plaintiff is advised that he must prepare and submit to the United States Marshal a subpoena for service by the Marshal upon any witness. Also, the party seeking the witness' presence must tender an appropriate sum of money to the witness through the United States Marshal. In the case of an involuntary unincarcerated witness, the appropriate sum of money is the daily witness fee of \$40.00 plus the witness' travel expenses.

A subpoena will not be served by the United States Marshal upon an unincarcerated witness unless the subpoena is accompanied by a money order made payable to the witness for the full amount of the witness' travel expenses plus the daily witness fee of \$40.00, and a copy of the court's order granting plaintiff in forma pauperis status. Because no

1 statute authorizes the use of public funds for these expenses in civil cases, the tendering of
2 witness fees and travel expenses is required even if the party was granted leave to proceed in
3 forma pauperis. Federal courts are not authorized, therefore, to waive payment of fees or
4 expenses for an indigent's witnesses. Tedder v. Odel, 890 F.2d 210, 211-12 (9th Cir. 1989).

5 Accordingly IT IS ORDERED that to the extent plaintiff's March 23, 2007,
6 request is for the court to deem plaintiff's witness fees waived due to his in forma pauperis
7 status, the request must be denied.

8 DATED: 4/20/07

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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