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Attorneys for Petitioner,
MICHAEL A. COX

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MICHAEL A. COX,) Case No. 2:04-cv-00065 MCE CKD
)
Petitioner,) **DEATH PENALTY CASE**
)
v.) **[PROPOSED] ORDER REQUIRING THE**
) **UNITED STATES MARSHAL TO PAY FEES**
) **AND EXPENSES OF WITNESS FOR**
) **DEPOSITION**
WARDEN, California State Prison at)
San Quentin,)
)
Respondent.)
)
)
)

Pursuant to Rules 27 and 30 of the Federal Rules of Civil Procedure, and this Court's Orders issued May 29, 2015 and July 29, 2015 in this matter (Docs. 157 and 163), Petitioner will depose David Kurtzman, a non-party on Thursday, February 8, 2018, from the hours of 9:00 a.m. through and including 5:00 p.m. The deposition will be convened at the Office of the Federal Defender for the Eastern District of California, 801 I Street, Fourth Floor, Sacramento,

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California 95814.

Good cause appearing, in accordance with 18 U.S.C. § 3006A and 28 U.S.C. § 1825, the United States Marshal is 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.

WHEREFORE, this Court enters an order:

- 1. Certifying that the testimony of David Kurtzman is relevant and material to the instant action;
- 2. Authorizing Petitioner to issue a subpoena, pursuant to Rule 45, Fed. R. Civ. P., directing Mr. Kurtzman to appear for deposition in Sacramento on February 8, 2018;
- 3. Directing the Marshal to pay the fees and expenses for Mr. Kurtzman to travel from South Lake Tahoe, California to attend the deposition in Sacramento, California; travel and lodging to commence on February 7, 2018; the deposition to be convened on February 8, 2018; lodging and expenses for the night of February 8, 2018 and travel and expenses for return travel from Sacramento to South Lake Tahoe. Expenses shall include the costs of mileage, parking, lodging, and meals.

The Federal Public Defender is hereby authorized to serve Mr. Kurtzman with a subpoena and notice of his deposition.

IT IS SO ORDERED.

Dated: January 9, 2018



 CAROLYN K. DELANEY
 UNITED STATES MAGISTRATE JUDGE