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5 Attorney for Plaintiff

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 7  
 8 IN THE UNITED STATES DISTRICT COURT  
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JAVARIS TUBBS,	)	NO. 2:06-CV-00280-LKK-GGH
	)	
11 Plaintiff,	)	<b>APPOINTED COUNSEL'S</b>
	)	<b>EX PARTE REQUEST</b>
12 vs.	)	<b>FOR AUTHORITY TO INCUR COSTS</b>
	)	
13 SACRAMENTO COUNTY JAIL, ET AL.,	)	Trial Date: January 21, 2009
	)	
14 Defendants.	)	
	)	
15	)	
16	)	

17 PART I

18 I, Carter C. White, declare:

19 1. I am an attorney admitted to practice law in the State of California and in the  
 20 United States District Court for the Eastern District of California. I am the Supervising Attorney  
 21 of the King Hall Civil Rights Clinic ("Clinic"), appointed attorney of record for plaintiff in this  
 22 action.

23 2. In this case the plaintiff, Mr. Tubbs, a detainee in the Sacramento County Jail,  
 24 alleges, among other things, that the Defendants violated his constitutional right to be free from  
 25 excessive force. The Court appointed the Clinic to represent plaintiff in February 2007 (see Doc.  
 26 24). The case is set to be tried to a jury on January 21, 2009. On January 8, 2009, in a  
 27 conference call with the Court, it was resolved that the deposition of one defendant would be  
 28 taken prior to trial, and that the parties would split the expenses of transcribing and

1 videorecording the deposition.

2 3. In addition, plaintiff needs to subpoena several witnesses, and will incur the  
3 expenses of witness, mileage and service fees. I believe it is reasonably necessary for these two  
4 expenditures of funds to be made in order to effectively represent the plaintiff in the trial of this  
5 matter. I believe these expenses will total no more than \$2,000.

6 4. To date no other cost payments have been approved by the Court in this case.

7 5. I understand and agree that all of the costs requested of, and paid by the Court in  
8 this case will be reimbursed out of any recovery or settlement received for the plaintiff.

9 6. Based upon the foregoing, I request that this Court authorize the expenditure of  
10 \$2,000.

11  
12 I declare under penalty of perjury that the foregoing is true and correct and that this is  
13 executed this 9th day of January 2009, in Yolo County, California.

14 */S/ Carter C. White*

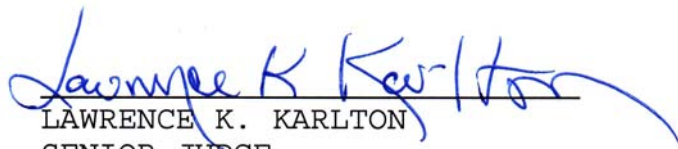
15 \_\_\_\_\_  
16 Carter C. White  
17 Attorney for Plaintiff

18 The above expenditure is

19  X  Approved. (The funds shall be paid from the nonappropriated fund.)

20 \_\_\_\_\_ Disapproved.

21  
22 Dated: January 12, 2009.

23  
24   
25 LAWRENCE K. KARLTON  
26 SENIOR JUDGE  
27 UNITED STATES DISTRICT COURT  
28