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

CHRISTOPHER KYLE PRATER,

Plaintiff,

vs.

P. SAHOTA, et al.,

Defendants.

No. CIV S-06-1993 KJM GGH P

ORDER CONFIRMING TRIAL DATE

This case was on calendar on April 27, 2011 for trial confirmation hearing.

Plaintiff appeared in propria persona; John Padrick, Deputy Attorney General, appeared for defendant.

Plaintiff asked the court to authorize payment of witness fees and mileage for the witnesses he wishes to subpoena. The expenditure of public funds on behalf of an indigent litigant is proper only when authorized by Congress. Tedder v. Odel, 890 F.2d 210 (9th Cir. 1989). The in forma pauperis statute does not authorize the expenditure of public funds for witnesses nor does it allow the court to waive any such fees. See 28 U.S.C. § 1915. Plaintiff's request must be denied.

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1 Defendant's counsel offered to provide copies of plaintiff's exhibits, as well as
2 copies of the defense exhibits. Defendant's counsel is directed to provide three (3) copies of
3 each set of exhibits to Courtroom Deputy Casey Schultz no later than 3:00 p.m. on the Friday
4 before trial.

5 Plaintiff also has renewed his request for the appointment of counsel. The court
6 will request that the court's Pro Bono Panel administrator attempt to locate counsel for the
7 limited purpose of trying this case beginning July 5, 2011, if the matter does not settle as a result
8 of the further discussions between the parties immediately following hearing on April 27, 2011.

9 IT IS THEREFORE ORDERED that:

10 1. Plaintiff's request that the court waive witness fees and mileage is denied.

11 2. The parties are directed to inform the court of the status of further settlement
12 negotiations within fourteen days of the date of this order.

13 3. Plaintiff's request for the appointment of counsel is submitted pending the
14 notification ordered by number 2 above.

15 4. Assuming the case goes to trial, any motions in limine must be filed no later
16 than June 14, 2011, with opposition due June 21. The motions will be heard on the first day of
17 trial.

18 5. Proposed voir dire and jury instructions are due June 21, 2011.

19 6. Defendant's counsel shall provide three (3) copies of each party's set of
20 exhibits to Courtroom Deputy Casey Schultz no later than 3:00 p.m. on July 1, 2011.

21 7. Trial is confirmed for July 5, 2011 at 9:00 a.m.

22 DATED: May 2, 2011.

23 
24 UNITED STATES DISTRICT JUDGE

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