

1 her preparation of the federal habeas petition she sent him in October 2007. Ms. Swenor's
2 principal place of business is within 100 miles of the federal courthouse in Sacramento.

3 Gary McCurdy

4 Mr. McCurdy is the custodian of records for the Central California Appellate
5 Project. He is expected to testify concerning correspondence CCAP received from John
6 Michael Kirk regarding Mr. Kirk's direct criminal appeal, *People v. Kirk*, C048321, in the
7 California Court of Appeal, Third Appellate District. Mr. McCurdy's principal place of
8 business is within 100 miles of the federal courthouse in Sacramento.

9 Correctional Sergeant M. Keating

10 Sgt. Keating is the custodian of records for High Desert State Prison and provided
11 the documents found at Petitioner's Exhibit 3. Petitioner does not seek subpoena power
12 for this witness as his principal place of business is more than 100 miles from the federal
13 courthouse in Sacramento.

14 Correctional Sergeant David Stone

15 Sgt. Stone is the custodian of records for Pleasant Valley State Prison and provided
16 the documents found at Petitioner's Exhibit 2. Petitioner does not seek subpoena power
17 for this witness as his principal place of business is more than 100 miles from the federal
18 courthouse in Sacramento.

19 WHEREFORE, Petitioner John Michael Kirk respectfully requests this Court enter
20 the proposed order being lodged with this application to authorize Petitioner's counsel to
21 issue subpoenas for Rita L. Swenor, Esq. and Gary McCurdy and to direct the United
22 States Marshal for the Eastern District of California to pay any witness and travel fees
23 associated with the testimony of Petitioner's witnesses as provided in 18 U.S.C. § 1825(b).

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