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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT C. JIMENEZ,
Plaintiff,
v.
J. WHITFIELD,
Defendant.

No. 2:10-cv-2943 KJM KJN

ORDER

Plaintiff requests the court waive service and witness fees for four witnesses he intends to subpoena to testify at trial. ECF No. 138 (motion); ECF No. 8 (order granting leave to proceed in forma pauperis). Defendant opposes. ECF No. 14.

Although 28 U.S.C. § 1915 permits the court to authorize the commencement of suit without prepayment of fees upon a showing of indigency, and further permits indigent plaintiffs to pay the filing fee in installments, § 1915 does not authorize federal courts to finance or subsidize a civil action by paying fees or other costs associated with the litigation. *See Tedder v. Odel*, 890 F.2d 210, 211–12 (9th Cir. 1989) (per curiam) (“The Supreme Court has declared that the expenditure of public funds on behalf of an indigent litigant is proper only when authorized by Congress.”) (internal citations and quotation marks omitted). And although appointed pro bono counsel for an indigent pro se civil litigant may petition the court for reimbursement of certain costs from the court’s non-appropriated funds, plaintiff’s counsel has

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1 not so petitioned the court. *See* Eastern District General Order 558; *see also* *Giraldes v. Prebula*,
2 No. CIV. S-01-2110 LKK/E, 2012 WL 1355739, at *2 (E.D. Cal. Apr. 18, 2012).

3 The motion is therefore DENIED without prejudice.

4 IT IS SO ORDERED.

5 DATED: June 14, 2018.

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8 UNITED STATES DISTRICT JUDGE
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