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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEAN C. RODRIGUEZ,
Plaintiff,
v.
JEFFREY BEARD, et al.,
Defendants.

No. 2: 14-cv-1049 MCE KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's motion requesting that he be authorized to deposit money with the Clerk of the Court to pay witness fees. (ECF No. 69.) For the following reasons, this motion is denied.

Plaintiff alleges that money to pay court filing fees and restitution is deducted from his trust account. As a result of these deductions, plaintiff alleges that he has no money in his trust account. Plaintiff states that he will not be able to save the money able to pay witness fees for the trial. Plaintiff states that Local Rule 150 allows money to be deposited in an account created by the Clerk of the Court from which funds may be disbursed to pay witness fees. Plaintiff requests that the Clerk of the Court create an account for him where he may deposit money to be saved to pay witness fees. Plaintiff also cites Federal Rule of Civil Procedure 67 in support of this request.

1 Local Rule 150, addressing the Deposits of Registry Funds, does not authorize the Clerk
2 of the Court to establish accounts for parties to deposit money which may be used to pay witness
3 fees. In addition, Federal Rule of Civil Procedure 67 provides, in relevant part,


4 If any part of the relief sought is a money judgment or the
5 disposition of a sum of money or some other deliverable thing, a
6 party—on notice to every other party and by leave of court—may
7 deposit with the court all or part of the money or thing, whether or
8 not that party claims any of it. The depositing party must deliver to
9 the clerk a copy of the order permitting the deposit.

8 Fed. R. Civ. P. 67 (a).

9 As indicated above, Federal Rule of Civil Procedure 67 does not authorize a party to
10 deposit money with the Clerk of the Court that may be used to pay witness fees.

11 The court is not authorized to establish the type of account plaintiff seeks. Accordingly,
12 IT IS HEREBY ORDERED that plaintiff's motion for permission to make deposits with the
13 Clerk of the Court to pay witness fees (ECF No. 69) is denied.

14 Dated: January 8, 2016

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17 KENDALL J. NEWMAN
18 UNITED STATES MAGISTRATE JUDGE

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