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2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 TODD L. ASHKER,

9 Plaintiff,

10 v.

11 MICHAEL C. SAYRE, et al.,

12 Defendants.
13 _____/

No. C 05-03759 CW

ORDER FOR UNITED
STATES MARSHAL TO
SERVE PLAINTIFF'S
WITNESS DR. GREGORY
DUNCAN

14 The trial in this case has started today, May 11, 2009.
15 Plaintiff has been unable to serve a subpoena on Dr. Gregory Duncan
16 to appear as his witness at this trial. Plaintiff requests that
17 the Court order the United States Marshal to serve his subpoena on
18 Dr. Gregory Duncan.

19 Title 28 U.S.C. § 1921(a)(B) provides that the United States
20 Marshal shall routinely collect, and the court may tax as costs or
21 fees for serving a subpoena for a witness. Title 28 C.F.R.
22 § 0.114(a)(3) provides that the United States Marshal shall collect
23 a fee for serving a subpoena at the rate of \$45.00 per hour, or
24 portion thereof, plus travel expenses.

25 Pursuant to 28 U.S.C. § 1921 and 28 C.F.R. § 0.114, the Court
26 orders the United States Marshal to serve Plaintiff's subpoena on
27 Dr. Duncan at his office at 1200 Marshall Street, Crescent City,
28 California 95531, (707) 465-1126. Dr. Duncan may testify by video-

1 conference from Pelican Bay State Prison 8:30 a.m. on Thursday
2 morning, May 14, 2009. It may be possible to schedule the
3 testimony for Tuesday or Wednesday, May 12 or 13, 2009 between 8:30
4 a.m. and 1:00 p.m. Dr. Duncan may call the Courtroom Deputy, Ms.
5 Sheilah Cahill at (510)637-3542 to make scheduling arrangements.
6 The United States Marshal shall collect the necessary fees from
7 Plaintiff.

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9 IT IS SO ORDERED.

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11 Dated: 5/11/09

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CLAUDIA WILKEN
United States District Judge