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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

MARCUS BOVARIE,	)	Case No.: 3:06-cv-00687 AJB (BGS)
	)	
Plaintiff,	)	
v.	)	ORDER GRANTING PLAINTIFF
	)	REQUEST FOR SERVICE OF
JAMIE S. WOODFORD, et al.,	)	SUBPOENA BY THE U.S. MARSHAL
	)	
Defendants.	)	
	)	

Plaintiff Marcus Bovarie, proceeding *pro se* and *in forma pauperis*, has requested that the Court order the U.S. Marshal to serve a subpoena issued pursuant to Fed. R. Civ. P. 45. Plaintiff intends to call Iesha Parrish, currently employed as a library technician at the California Institute for Men, as a witness at trial.

Fed. R. Civ. P. 45(b)(1) requires service of a subpoena be made by a person who is 18 years or older and is not a party to the case. The Court is required to “issue and serve all process and perform all such duties” for a plaintiff proceeding *in forma pauperis*. 28 U.S.C. 1915(d). Plaintiff, however, is responsible for paying all fees and costs associated with the subpoenas and depositions. *See Tedder v. Odel*, 890 F.2d 210, 211, 212 (9th Cir. 1989). For example, if a subpoena requires a person’s attendance, fees for one day’s attendance and mileage must be tendered concurrent with service. Fed. R. Civ.


1 P. 45(b)(1). These fees are not waived based on Plaintiff's *in forma pauperis* status. *Tedder*, 890 F.2d at  
2 211-212.

3 Accordingly, the Court ORDERS as follows:

- 4 1. The Clerk of Court shall issue and forward to Plaintiff a Subpoena in a Civil Case form in blank and a  
5 U.S. Marshal 285 form in blank as well as a copy of this Order.  
6 2. Upon receipt of the properly completed U.S. Marshal 285 form and accompanying subpoena, the U.S.  
7 Marshal is directed to promptly effect service of Plaintiff's subpoena.

8 IT IS SO ORDERED.

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10 DATED: May 18, 2011

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13 Hon. Anthony J. Battaglia  
14 U.S. District Judge  
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