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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

KENNETH FRIEDMAN, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 STATE OF NEVADA, *et al.*, )  
 )  
 Respondents. )  
 )  
 \_\_\_\_\_ )  
 )

3:07-cv-00338-LRH-VPC

**ORDER**

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On July 20, 2011, the court issued an order allowing for the deposition of Thomas M. Kerr. (ECF No. 191.) On July 28, 2011, petitioner requested a subpoena for Mr. Kerr and for information concerning witness fees.

In accordance with Rule 45(a)(3) of the Federal Rules of Civil Procedure, “[t]he clerk must issue a subpoena, signed but otherwise in blank, to a party who requests it. That party must complete it before service.” Fed. R. Civ. P. 45(a)(3).

The court directs the clerk to mail to petitioner, with this order, one signed but otherwise blank deposition subpoena form, which should be completed by petitioner. Because petitioner paid the filing fee in this action, and is not proceeding *in forma pauperis*, he is responsible for personally serving the subpoena at his own expense. *See* ECF No. 20. Additionally, although the court has authorized payment for the court reporter and deposition transcripts under the Criminal Justice Act, petitioner must pay for

1 Mr. Kerr's witness fee and, if applicable, travel expenses. Fed R. Civ. P 45; 28 U.S.C. § 1821.

2 **IT IS THEREFORE ORDERED** that petitioner's request for a subpoena form (ECF No. 194)  
3 is **GRANTED**. The clerk is instructed to send petitioner one subpoena form.

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5 DATED this 25th day of August, 2011.

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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE