

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CHEVRON MINING INC.,

Plaintiff,

vs.

UNITED STATES OF AMERICA, et al.,

Defendants.

No. 1:13-cv-00328-PJK-JFR

ORDER

THIS MATTER comes on for consideration of the United States' Notice Regarding the Need for Trial Subpoenas filed October 8, 2021 (ECF No. 224). Upon consideration thereof and the Case Management Order § 2.4 (ECF No. 222-1 at 6), the court will confirm that trial subpoenas may be issued for David Shoemaker and Paul LaCome. These witnesses may be called during the United States' case-in-chief. The court notes that a federal district court may issue a subpoena commanding a witness to attend a trial "within the state where the person resides . . . if the person . . . would not incur substantial expense." Fed. R. Civ. P. 45(c)(1)(B)(ii); see also Farmer v. Arabian Am. Oil Co., 379 U.S. 227, 234 (1964) (citing 1 Stat. 88 (1789); 1 Stat, 335 (1793)).

IT IS SO ORDERED.

DATED this 12th day of October 2021 at Santa Fe, New Mexico.

Paul Kelly, Jr.
United States Circuit Judge
Sitting by Designation