

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

SAMMIE LOUIS STOKES,

Petitioner,

v.

Case No.: 1:16-cv-00845-RBH-SVH

BRYAN P. STIRLING, Director, South  
Carolina Department of Corrections; and  
JOSEPH MCFADDEN, Warden, Lieber  
Correctional Institution,

Respondents.

**ORDER RE: DEPOSITION-RELATED EXPENSES**

The parties have identified individuals they intend to depose pursuant to the Court's Order of March 30, 2017, granting evidentiary development on a number of Petitioner's claims. In the instant Order, the Court sets forth its expectations regarding the costs associated with taking depositions.

First, pursuant to 28 U.S.C. § 1825(b), the United States Marshal for the District of South Carolina shall pay all fees for Petitioner's fact witnesses appearing pursuant to subpoena, including travel expenses, court reporter fees, and Petitioner's copy of deposition transcripts. See also Advisory Committee Notes to Rule 6 of the Rules Governing Section 2254 Cases (citing Opinion of Comptroller General, No. B-139703, 53 Comp. Gen. 638, 640 (Feb. 28, 1974)); Guide to Judiciary Policy, Volume 7, § 320.40.20.

Second, witness fees, travel expenses, court reporter fees, and transcript copy costs for any depositions noticed by Respondents shall be paid by the State of South Carolina. The State of South Carolina shall also pay for Respondents' transcript copy of any deposition noticed by Petitioner. See generally Rule 12 of the Rules Governing Section 2254 Cases; Fed. R. Civ. P. 26(b)(4)(E); Fed. R. Civ. P. 30(b)(3)(A).

The Clerk is directed to send a copy of this Order to all parties.

It is so ORDERED.

s/ R. Bryan Harwell  
R. Bryan Harwell  
United States District Judge

Date: July 20, 2017