

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KURT W. MEYER,

Plaintiff,

v.

MARK TESLIK,

Defendant.

ORDER

05-C-269-C

Jury selection is scheduled to take place in this case on Monday, April 10, 2005, and trial is set to begin at 8:30 a.m. on Thursday, April 13, 2006. Now plaintiff has submitted five subpoena forms demanding the appearance at trial of defendant Mark Teslik and prison officials Catherine Farrey, John Ray, Sandra Scorton-Reynolds and Jill Sweeney. None of the completed subpoena forms is accompanied by a check or money order made payable to the subpoenaed witnesses for their mileage costs and daily witness fee. Therefore, the subpoenas will not be forwarded to the United States Marshal for service on the witnesses at this time. Plaintiff was told expressly in this court's order of February 24, 2006, that pursuant to Fed. R. Civ. P. 45(b)(1), a subpoena for service on a witness must be accompanied by a witness fee and the cost of the witness's transportation. The current daily

witness fee is \$40 and transportation costs are to be calculated at \$.44.5 cents per mile. (The subpoena forms plaintiff received erroneously show the mileage to be at a lower rate that is no longer applicable.)

At this point, unless plaintiff were to have the checks issued in each witness's name in the appropriate amount and mailed to the court so that they are received no later than Friday, March 31, 2006, there will not be time for the United States Marshal to serve the subpoenas on the named witnesses and allow the witnesses reasonable time for compliance. In an effort to reduce his costs, plaintiff may wish to work informally with defendant's lawyer to determine which, if any, of the persons he has requested to appear by subpoena might be made available to him as a witness without the need for a subpoena.

ORDER

IT IS ORDERED that the clerk refrain from forwarding plaintiff's completed subpoena forms to the United States Marshal for service on the persons identified on the subpoenas until plaintiff has submitted checks or money orders made payable to the individual witnesses in amounts sufficient to cover the \$40 daily witness fee and the witness's mileage. If, by March 31, 2006, plaintiff fails to submit the necessary checks or

money orders for fees and mileage, the subpoenas shall be considered quashed on the court's own motion.

Entered this 20th day of March, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge