

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

This case is scheduled for trial on April 13, 2006, with jury selection on April 10, 2006. Through a series of miscommunications and mishaps, plaintiff's attempt to serve subpoenas on defendant Mark Teslik and prison officials Catherine Farrey, John Ray, Sandra Scorton-Reynolds and Jill Sweeney was delayed by his failure to submit witness fees and travel expenses along with his original subpoena forms. In an order dated March 21, 2006, I directed the clerk of court to refrain from forwarding plaintiff's subpoena forms to the United States Marshall's Service until plaintiff submitted checks or money orders made payable to the subpoenaed witnesses for their mileage costs and daily witness fee.

On Friday, March 31, 2006, the court received plaintiff's checks in the amount of \$100 each for defendant Teslik, Farrey, Sweeney and Scorton-Reynolds, and \$65 for Ray.

These amounts appear to far exceed the current daily witness fee of \$40 and the \$.445 cent per mile travel reimbursement amount due to the witnesses. In addition, the check made out to Farrey was not signed by the prison official authorized to do so. Nevertheless, because time is of the essence, I will direct the clerk of court to forward the checks and subpoena forms to the United States Marshall as they are. It will be up to plaintiff and the witnesses to arrange for Farrey's check to be signed and to determine whether plaintiff is due any refund of the excess fees he may have provided to each witness.

ORDER

IT IS ORDERED that the clerk of court is directed to forward plaintiff's completed subpoena forms and checks to the United States Marshal for service on the persons identified on the subpoenas.

Entered this 3rd day of April, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge