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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

CHARLES CHATMAN,)	1:03-CV-6636 AWI SMS P
)	
Plaintiff,)	ORDER GRANTING PLAINTIFF’S
)	MOTION FOR A WRIT OF HABEAS
v.)	CORPUS AD TESTIFICANDUM AS
)	TO PLAINTIFF AND DENYING
SERGEANT C. TYNER, et al.,)	MOTION AS TO INMATE DARRYLE
)	WILLIAMS
Defendants.)	(Document #153)

Plaintiff Charles Chapman is proceeding with a prisoner civil rights action. This action is proceeding to trial on the following claims: (1) A First Amendment retaliation claim arising out of Plaintiff’s placement in the SHU; (2) An Eighth Amendment claim in which Plaintiff alleges Defendant exposed him to freezing temperatures; and (3) An Eighth Amendment claim stemming from Plaintiff’s placement and retention in a flooded cell.

Plaintiff has filed a motion for writ of habeas corpus ad testificandum that requires he be brought to the courthouse for trial. As such an order is necessary to compel Plaintiff’s custodian to bring him for trial, the court will grant Plaintiff’s motion and issue the writ in due course.

1 Plaintiff also requests that the court issue a writ of habeas corpus ad testificandum for
2 Inmate Darryle Williams. Plaintiff claims that Inmate Williams was subjected to similar
3 exposure to the cold the day after Plaintiff and was also put on contraband watch in
4 Administrative Segregation. The documents Plaintiff has provided are insufficient for the court
5 to require Inmate Williams's testimony at trial. First, Plaintiff has not shown that Inmate
6 Williams has expressed a willingness to testify at a trial on Plaintiff's behalf. Second, Plaintiff
7 has not provided a sufficient explanation as to why an unrelated incident that occurred to Inmate
8 William is relevant to this action. Unless Plaintiff can provide an offer of proof that the same
9 defendants were involved to somehow show a pattern, Inmate Williams's proposed testimony is
10 not relevant.

11 IT IS HEREBY ORDERED that Plaintiff's motion for a writ of habeas corpus ad
12 testificandum as to Plaintiff is GRANTED and Plaintiff's motion for a writ of habeas corpus ad
13 testificandum as to Inmate Williams is DENIED.

14
15 IT IS SO ORDERED.

16 **Dated: January 8, 2010**

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE