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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ARONDO AUSTIN,

Plaintiff,

v.

D. L. WINETT, et al.,

Defendants.

CASE No.: 1:04-cv-05104-DLB PC

ORDER VACATING JANUARY 13, 2009
ORDER AND WRIT OF HABEAS CORPUS AD
TESTIFICANDUM AS TO PLAINTIFF
ARONDO AUSTIN

(Doc. 97)

Plaintiff Arondo Austin ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. § 1983.

On January 13, 2009, the Court issued an order and Writ of Habeas Corpus ad Testificandum to transport Arondo Austin, commanding the Warden of California State Prison - Sacramento to produce California prisoner Arondo Austin, CDCR #E-61218 in this court on February 3, 2009, to testify at trial in this action.

On January 29, 2009, the Court issued an order vacating the trial date.¹ Accordingly, the order and writ issued on January 13, 2009, commanding the production of inmate Arondo Austin, is HEREBY VACATED.

IT IS SO ORDERED.

Dated: January 29, 2009

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

¹By separate order, the Court vacated the trial date.