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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN E. JAMES III,

CASE NO. 1:04-cv-5878 LJO DLB PC

Plaintiff,

ORDER

v.

A. K. SCRIBNER, et al.,

(Doc. 333)

Defendants.

_____ /

This matter is set for jury trial commencing November 9, 2009. On October 26, 2009, Plaintiff John E. James III (“Plaintiff”) filed a motion requesting the issuance an order and writ of habeas corpus ad testificandum for inmate witness David Wayne Smith (CDCR # K-78326).¹ Plaintiff indicates that Inmate Smith is now in the custody of the State of California and is housed at the County Jail of San Diego. (Doc. 333.)

It appears that Inmate Smith is in the custody of the California Department of Corrections and Rehabilitation and is currently housed at R. J. Donovan Correctional Facility in San Diego. Accordingly, the Court shall issue the order and writ of habeas corpus ad testificandum.

IT IS SO ORDERED.

Dated: October 28, 2009

/s/ Lawrence J. O’Neill
UNITED STATES DISTRICT JUDGE

¹ David Wayne Smith, Inmate No. K-78326, is listed as Plaintiff’s witness on the Amended Pretrial order. (Doc. 268, Amended Pretrial Order, p.7.)