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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

TROAS V. BARNETT,

CASE NO. 1:05-cv-01022-BAM PC

Plaintiff,

ORDER GRANTING DEFENDANTS' REQUEST FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM TO PRODUCE DEFENDANT ANGEL DURAN AT TRIAL

v.

MARTIN GAMBOA, ANGEL DURAN,  
and MANUEL TORRES,

(ECF No. 222)

Defendants.

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Plaintiff Troas V. Barnett is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendants Martin Gamboa, Angel Duran and Manuel Torres for the use of excessive force, and Defendant Torres for failure to intervene in violation of the Eighth Amendment. Trial is set for January 22, 2013, at 8:30 a.m. in Courtroom 8.

On December 26, 2012, Defendants Duran, Torres and Gamboa filed a request for writ of habeas corpus ad testificandum to secure Defendant Duran's presence at the trial. Defendant Duran currently is confined at the Tulare County Main Jail Facility, located at 2404 W. Burrel, Visalia, California 93291. Defendant Duran is a pre-trial detainee, booking number 1200020466, in the custody of the Tulare County Sheriff.

Defendant Duran is a necessary and material witness in the action against him and the Court is authorized to order his transfer. 28 U.S.C. § 2241(c)(5). Accordingly, it is HEREBY ORDERED as follows:

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1. Defendants' request for a writ of habeas corpus ad testificandum to secure Defendant Duran's presence at trial is GRANTED.
2. The Clerk's Office is directed to serve a copy of this order on Defendant Duran, along with a writ of habeas corpus ad testificandum requiring his production at trial on January 22, 2013, at 8:30 a.m. in Courtroom 8.

IT IS SO ORDERED.

**Dated: January 7, 2013**

**/s/ Barbara A. McAuliffe**  
UNITED STATES MAGISTRATE JUDGE