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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

DESHA M. CARTER,

Plaintiff,

v.

S. BUTLER, et al.,

Defendants.

CASE NO. 1:05-cv-01057 LJO DLB PC

ORDER DENYING MOTION FOR  
ATTENDANCE OF INCARCERATED  
WITNESSES

(Doc. 60)

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Plaintiff Desha M. Carter (“Plaintiff”) 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 set for jury trial commencing on January 19, 2010. On November 25, 2009, Plaintiff filed a motion for attendance of two incarcerated witnesses to testify on his behalf R. Cains and Andre Johnson. Plaintiff has not been able to communicate with either witness. During the pretrial conference hearing on December 15, 2009, the Court directed defense counsel to ascertain whether either witness was willing to testify. On December 17, 2009, defense counsel responded to the Court by submitting declarations from both Mr. Cains and Johnson. Both indicated that they are unwilling to come to court and testify to the events in this action. (Doc. 70, Resp. to Pretrial Order.)

Based on the foregoing, it is HEREBY ORDERED that Plaintiff’s motion for attendance of incarcerated witnesses, filed on November 25, 2009, is DENIED.  
IT IS SO ORDERED.

**Dated:** January 11, 2010

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